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Political Philosophies

By

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Whitman College

REVISED EDITION

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*Thus can the demigod, Authority,
Make us pay down for our offence by weight.
The words of heaven;—on whom it will, it will;
On whom it will not, so: yet still 'tis just.*
—Measure for Measure

FOREWORD TO FIRST EDITION

TO arouse interest in political philosophies it is necessary to reanimate dead men, forgotten issues, and fading ideas in such a way as to make them vivid and real to modern minds. The method which, in my experience, has tended to accomplish this result most consistently is embodied in this book.

Repeated experimentation in presenting political philosophies to groups of various kinds, including college classes, revealed that four kinds of material invariably received closer attention and were more largely remembered than any others. These were: (1) a lively biographical sketch of the man behind the philosophy; (2) a concise exposition of the nature and significance of his work; (3) a paraphrased summary of his major writings and doctrines; and (4) a few characteristic quotations in which he would speak for himself. It was also found that, with a little ingenuity, these materials could be woven into a context in which the philosophy would appear as an integral part of an animated historical scene.

Continued use of this method ultimately produced a survey of political philosophies which seemed sufficiently different and also sufficiently useful to justify its transfer to the printed page. This book is the outcome of that endeavor. The reader will quickly note that there has been no attempt to write a critical treatise on political theories or an exhaustive history of political thought. The aim has been merely to tell the story of the most illustrious political thinkers and their works in such a way as to make them live again in the conscious appreciation of the reader.

Few of the political classics are widely read to-day. Many, by reason of archaisms of style and vocabulary, have become almost unreadable. Special students peruse them comprehendingly, but the ordinary reader knows them not. It is hoped that the present volume may contribute to a better understanding and a wider appreciation of these immortal works of human genius. Readers desiring to extend their acquaintance with the political classics will find convenient citations in the footnotes and at the end of each chapter. The chapter-end references also include many standard

commentaries and other works of a secondary nature which should be helpful in further reading.

I am under a heavy obligation to the meticulous scholarship of Dr. Edward McChesney Sait of Pomona College, whose patient and kindly reading of the manuscript has corrected numerous errors and prevented many others. I hasten to add, however, that the defects and shortcomings of the book are entirely of my own making.

CHESTER C. MAXEY

August, 1938

FOREWORD TO SECOND EDITION

The primary purpose of this book, as was stated in the preface to the first edition, is to serve as a text for undergraduate students. The book embodies a method of presenting the subject of political philosophies which I have found effective in my own teaching, and which, during the past ten years, many of my professional colleagues have been kind enough to commend. For that reason, no drastic changes have been made in the present edition. Minor textual revisions have been made in Chapters I-XXVIII, but the only chapters wholly rewritten are XXIX-XXXV, which deal with the political ideologies of the twentieth century. World events since 1938 obviously require a new presentation and a new evaluation of contemporary political thought. In addition to the foregoing changes, all of the chapter-end bibliographies have been revised in order to include more recent reference material.

CHESTER C. MAXEY

July, 1948

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POLITICAL PHILOSOPHIES

CHAPTER I

REASON AND AUTHORITY

I

B EWILDERED by the contradictions of life, Oliver Alden, the hero of George Santayana's novel, *The Last Puritan*, was even more bewildered by the study of philosophy. It was a subject, he thought, that "belonged to the shady side of the world: it was all a chaos of talk, of argument, of opinion."¹ Political philosophies were particularly disappointing. "He had read prodigiously in the major historians and philosophers, never with the joy of finding a great revelation, but often with satisfaction and always, he thought, with profit: because the wildest errors were instructive if you understood how people had come to embrace them. It was the living, however, that disappointed him most. What the Germans called *Wissenschaft* wasn't knowledge but theory; and this flow of theory, while it carried any amount of learning in its controversial currents, was absolutely arbitrary in its direction. It moved with the *Zeitgeist* in the direction of a trade wind. Yet this professional science, or fashionable theory, was proclaimed in a surprising tone of authority, and with the expectation of browbeating the world into accepting it until the *Zeitgeist* and the path of national consciousness should take another turn."¹

Every student of political thought must have felt at times a similar sense of disillusionment. Much of what is called political philosophy displays the qualities that Oliver Alden disliked. It is frequently partisan and jesuitical. Very often it does little more than reflect the direction of national consciousness, or more accurately, perhaps, of national impulse. In many cases it is as deficient in knowledge as it is long on theory. Its most vital quality oftentimes is a dogmatic eloquence and nothing more. Yet, granting all this, it is none the less a fact that political philosophies are to-day and have always been one of the great moving forces of human be-

¹ *Op. cit.*, pp. 437, 509.

havior. What men have thought, or thought they thought, about government has so vastly shaped their deeds that the political life of mankind, without an understanding of its underlying and motivating ideologies, is largely barren of meaning. For the student of history, political philosophies provide an indispensable key; for the student of contemporary public affairs and the inquirer who wishes to peer into the future, they provide an equally valuable guide. History may not repeat itself, but in every age there is a large carry-over of past political thinking and a heavy seeding of ideas that will bear fruit in years to come.

The institution of government is one of the major facts of social evolution. Nothing has influenced the history of the human race more decisively; nothing has challenged the human mind more provocatively. In facing such an overwhelming reality as the institution of government men are inexorably impelled to inquiry and rationalization; for government is a fact with respect to which they must daily order and adjust their lives. Men think about government because it thrusts itself upon them. They cannot avoid thinking about it, if they think at all. And as they think, so to a very large extent do they also act.

Affirmatively or negatively, and often in both ways, the members of every social system are forced, by the very fact of being members of a social order, to elect certain courses of behavior in relation to government; and the courses thus adopted are often profoundly influenced by prevalent political ideas and doctrines. Most persons do not originate a political creed of their own, but accept, frequently without real understanding, the ideas of others which seem to be in harmony with their own particular interests, prejudices, and points of view. For this reason political thinkers whose teachings have been widely welcomed and followed must be classed among the moulders of human destiny. Not less than soldiers, statesmen, scientists, and religious leaders have they shaped the course of human life.

The authors of great political philosophies have been men of every kind and condition, actuated by motives as varied and complex as men can have. Detached intellects, seeking truth for its own sake, have not been numerous, and intellects unaffected by personal circumstance and social experience have been even more rare. The origin and nature of government, its forms and func-

tions, powers and duties, means and ends have been viewed in so many different lights and treated with so little respect for reality that truth has often been obscured and the actual meaning of political phenomena sadly misconceived. But this has not diminished the importance of political philosophies in the processes of history, nor does it detract from their value in explaining how modern government has come to be what it is.

II

Nobody invented government or consciously planned its introduction into human society. Professor F. H. Hankins, a competent student of the subject, is of the opinion that the question of exact political origins is unanswerable in the present state of knowledge.¹ He states, however, that modern political society is the culmination of three principal stages of social evolution—tribalism, feudalism, and nationalism—and that the factors chiefly influencing social development from first to last have been the feeling of kinship, attachment to territory, social stratification, physical force, and the consciousness of kind. It would be interesting to review the technical arguments of anthropologists and sociologists as to the precise way in which these or other factors worked together to produce the institution of government, but it would be a confusing digression. For our purpose the important thing is to realize that somewhere along the road from savagery to civilization there has been established among every people a system of regulative authority which has come to be a distinct and dominant part of the social whole.

Many students of political origins believe that permanent systems of authority and social regulation first appeared in family or kinship groups, and that these in the course of social development were transformed into political institutions. Be that as it may, the time came, in groups having competent leadership and authority, when kinship could not be the basic social tie. Success in husbandry, trade, and war had multiplied their possessions, added to their membership, and extended the territories over which they could assert dominion. With these changes came a more complex social structure and a less personal relationship between the individual and the group than could be accounted for by any principle of blood

¹ *An Introduction to the Study of Society* (rev. ed., 1935), p. 723.

kinship. Men began to feel a unity in the occupation of a common territory, in the possession of identical or kindred languages, in the worship of the same or similar gods, in the practice of common or related customs, in the habitual associations of social and economic intercourse, and particularly in subjection to a common authority which regulated the most important social relationships.

Gradually there emerged the political group—that is to say, a group differentiated by a system of institutional life in which established social authority, regularly organized and applied, was the paramount cohesive force; in other words, a group having a recognized system of government. This system of government was not, in the earlier stages at least, particularly set apart as a unique and isolated element of the social structure. In many instances it was integrated with war organization, land ownership, religious practice, and other vital aspects of group life. But it was government none the less, because it spoke and acted for the community as a whole and wielded authority as a social function.

It was but a short step to the next stage of political development. The institution of government, whatever its original form and however linked with other communal processes, made for greater solidarity and permanence in every phase of social existence and tended to beget a feeling that unity under a common authority was a distinctive characteristic of societal life. Settled habits of economic and social existence furthered these tendencies, and gradually there appeared populous and highly organized communities, permanently located in regions which they claimed as their own to the exclusion of all others, and maintaining within these bounds an institutional system of authority to which all must submit and give allegiance as a matter of recognized social obligation. The first communities of this kind seem to have been city-states springing up in such favorable areas as the valleys of the Nile, the Tigris, and the Euphrates rivers. In course of time conquest, alliance, intermarriage, and various other consolidating factors wrought forth larger entities, which absorbed scores of small communities and exercised authority over imperial domains. With the establishment and administration of political authority as a dominant and decisive factor in community life came the first definite emergence of special problems of government to engage the human mind.

III

Men undoubtedly lived under some sort of political authority many hundreds of years before they began to glimpse the portentous significance of this development in the institutional life. But when simple societies grew into complex states and tiny communities extended themselves into vast empires, thinking minds were shaken into action. The tasks of government were greatly multiplied, its scope enlarged, and its powers hugely increased. Ancient customs, traditional forms, and long-accepted processes were rudely disturbed and sometimes grossly violated. The iron hand of authority appeared less in the aspect of communal usage and ever more in the character of superimposed might. Reason was forced to challenge the pretensions of such authority. Minds that could conceive of justice, liberty, contract, property, and other ideas resting on social morality and wisdom could not passively resign themselves to the arrogant sway of unmitigated might.

In the moment when reason thus began to question the right of man to rule over man, political philosophy was born. History knows not when or where the first political thinking was done, nor has it a satisfactory record of early political ideas. As far back, however, as recorded history takes us we find conspicuous traces of genuine political thinking and convincing evidence of its antiquity. Some time in the early dawn of things political, government had claimed justice as its affair, and thus had stirred inquiring minds to address themselves to the problem of justice; had asserted authority over one phase or another of domestic life, thus arousing consideration of the question of political obligation against family obligation; had intruded upon the domain of religion and thereby started the perennial issue of ecclesiastical versus political authority; had upheld or upset certain gradations of rank and class and in so doing stirred up the hornet's nest of caste and privilege; had exacted tribute from its subjects and inaugurated thereupon the eternal controversy over taxation.

How long, prior to the appearance of the state upon the stage of history, intellectual effort had been directed upon such questions we do not know. Long enough in some portions of the world, it seems clear, for notable bodies of thought to have developed. In the fragmentary survivals that have come down to us from the

literatures of the earliest civilizations we find evidence of great social struggles and great battles of ideas. The fundamental issues were in many instances strikingly similar to those which have produced the systematic political philosophies of later times, and the ideas expressed in such literary remains as we have are indicative of once-existent clusters of political thought of genuinely significant scope and content. The endeavor to rationalize political authority; to explain and justify existing facts of political life or supply a basis for a better political order; to theorize, ponder, and conclude, seems to have been coeval with the rise of systematic government. In the speculations of political philosophers, rulers and rebels, statesmen and politicians, reformers and reactionaries, and political actors in every rôle have found shibboleths and doctrines appropriate to their wants and needs.

History contains no more vital story than that of the great political philosophies, for nothing more truly reveals the soul of man in any age than his thinking on the problem of government. Nothing more accurately measures the fitness of mankind for that millennial society which some have called the Kingdom of Heaven and others the Republic of Utopia than the philosophies which reflect its efforts to construct a framework of reason for the process of authority.

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CHAPTER II

OUT OF THE PAST

I

WESTERN civilization readily acknowledges its debt to the parent cultures of Egypt and Asia for arts, crafts, letters, sciences, and religions, but not for political ideas and institutions. All of these pre-European civilizations, according to the view frequently expressed by European and American scholars, were politically sterile; produced nothing in the realm of political thought and practice worthy of serious attention. Professor W. W. Willoughby, in his well-known treatise on ancient political theories, accepted the common dicta of Hegel, Janet, Rawlinson, Müller, and other classic authorities on ancient cultures to the effect that the principal contribution made to political thought by the early non-European civilizations was the imperial idea, which, "as they exemplified it in practice, was one quite different from that which the modern world knows."¹

Even that dubious achievement is more than many Western historians have been willing to ascribe to the political genius of the precursors of European civilization. To them, as to Kipling, East was East and West was West and never the twain could meet on a common ground of political ideology, because, forsooth, the peoples of the East were not by nature political-minded, whereas those of the West were by nature lavishly endowed with talents for political thought and action. Wherefore, it followed from this premise, the Western races were not only destined for world supremacy but also for unique preëminence in the philosophies of politics.

Sweeping generalization of this sort is an untrustworthy vessel for cruising scantily explored seas of human experience. The prodigious labors of archaeologists and historians during the past quarter-century have dredged up facts which impeach the validity of all former generalizations respecting the political life and thought of the ancient world. It is no use pretending that Egyptian and Asiatic political thought ever reached the high stage of systematic

¹ *The Political Theories of the Ancient World* (1903), p. 20.

fructification that has distinguished the political thought of the West: but it is no use pretending, either, that the ancient pre-European civilizations were unpolitical and produced neither political ideas nor principles of governmental practice. The closer and fuller acquaintance with the civilizations of remote milleniums which we now enjoy reveals an astonishing abundance of political ideas among the peoples of those vanished eras, and shows that both in thought and practice they anticipated, paralleled, and possibly to some extent laid foundations for ideas which subsequently appeared in European political consciousness. It was in those ancient political systems that the human mind first came to grips with the problem of government and first attempted to formulate ideas to account for the phenomena of politics and to systematize the exercise of political authority.

II

The story of ancient Egypt is not the story of a kingdom, an empire, a period, or a people; it is the story of a civilization lasting more than three thousand years and encompassing within its span of time many kingdoms, empires, periods, and peoples. Just when that civilization dawned, and whether it was original or derived, as has been suggested, from an older Mediterranean culture, we do not know. We do know, however, that as far back as there is any trace of civilization on the marvelously fertile margins of the Nile there are also traces of political life and political institutions.

In the most remote times of which there is authentic record the territory of the Nile Valley was inhabited by numerous local clans, each giving allegiance to its own tribal chieftains and worshipping its own local deities. Gradually, in the course of generations, these petty and independent political entities underwent a process of consolidation. Conquest doubtless played a potent part in effecting this progressive amalgamation of microscopic political societies, but some credit also must be given to such factors as the intermarriage of ruling families, the similarities of religious beliefs and usages, and voluntary federation for protection against invaders from the surrounding deserts. About 3500 B.C., according to the more modern reckoning, the loose galaxy of tiny city-states which fringed the banks of the life-giving river was definitely welded into a single body politic, which is sometimes known to history as the

Old Kingdom. Thenceforward the story of Egypt revolves about the rise and fall of dynasties, the growth and decay of empires, and all the manifold mutations of political institutions.

Thirty dynasties, more or less, are comprised in the chronology of Egypt from the founding of the Old Kingdom to the Alexandrian conquest which marked the end of truly independent and Egyptian Egypt. During those three thousand years Egypt was far from being the stagnant theocracy of popular supposition. The succession of dynasties was not simply a passing of power from monarch to monarch, but was often a phase of convulsive political processes as full of interest and significance as any the world has known. Egypt had her struggles between central and local authority, her conflicts between crown and nobility, her quarrels between church and state, her contests between classes and masses, her revolutions and counter-revolutions, her tides of reform and waves of reaction, her creative statesmen and pettifogging politicians, her periods of intelligent progress and her periods of dark reactionism. Indeed, the more we learn of Egyptian civilization during the three mighty milleniums when Egypt was the radiant center of civilization, the more reason do we find for the belief that political ideas and political processes were transcendently influential in the shaping of her economic and social life.

Entirely too much emphasis has been given to the theocratic externals of Egyptian state organization and procedure. Professor Willoughby, for example, quotes with approval the ancient saying of Diodorus that "The Egyptians respect and adore their kings as the equals of the Gods"; and then proceeds to develop the argument that "no discussions of the reasonableness or utility of political authority in general nor considerations of the relative merits of different forms of governmental control" could be expected under a régime where "Divine sanction was supposed to support every exercise of political power."¹ In like manner the priest, John of Salisbury, in 1159 A.D. argued that the Roman Empire was a theocracy, because, as he said in his *Policraticus*, "Augustus Caesar was to such a degree subject to the priestly power of the pontiffs that in order to set himself free from this subjection and have no one at all over him, he caused himself to be created a pontiff of Vesta, and thereafter had himself promoted to be one of the

¹ Willoughby, *op. cit.*, p. 19.

gods during his own life-time.”¹ Modern historians do not so interpret the imperialism of Octavian; but modern historians prove the theocratic character of ancient Egypt by the same kind of evidence that the mediaeval champion of papal supremacy used to prove that the priestly power was superior to the secular in ancient Rome. The superficial evidence of theocracy in Rome was overwhelming, but we know that the Roman government was essentially secular. The same may have been true in Egypt.

In reconstructing the institutional life of bygone peoples from surviving fragments of their civilization it is easy to be mistaken. A historian of the remote future, striving to recapture the essential character of an American civilization nearly three thousand years dead and having for evidential purposes such limited material as inscriptions on the fragmentary remains of mouldering monuments and public buildings, the miscellaneous plunder of rifled graves and tombs, and the chance remains of once great collections of books and documents, might very plausibly interpret our present political system as a thorough-going theocracy.

On surviving coins of our republic he would find on one side the inscription “In God We Trust” and on the other the lovely profile of a goddess called “Liberty”; in exhumed numbers of the *Congressional Record* he would discover that all proceedings in Congress were prefaced by the prayer of an official chaplain; in resurrected presidential proclamations and state papers he would find language ascribing to God all the blessings of the American people in peace and war, and beseeching the favor of God in all future enterprises; in recovered law books and legal documents he would find that the Holy Bible was used to swear in presidents, governors, witnesses in court, and public functionaries generally; from similar sources he would learn that the properties of churches and religious institutions were exempt from taxation; and in surviving copies of school histories, Sunday school leaflets, and other literature of the common people he would discover that the American people were taught to believe that all of their presidents and other great public men were devout Christians guided by the clergy in every thought and deed. With such reiterated evidence of theocracy at hand our imaginary archaeologist of time unborn might be easily persuaded that the great American Republic had no genuinely secular government.

¹ J. Dickinson, *The Statesman's Book of John of Salisbury* (1927), p. 64.

We who live under American institutions smile at the thought of such a fantastic interpretation of our political system; we know that the average American thinks of government not as a divinely ordained and managed institution but as a thoroughly secular affair with very practical bearings upon mundane matters of property, business, and personal freedom. May it not be possible that the ancient Egyptians would have found similar amusement in the thought that remote posterity might misread the theocratic aspects of their system of government? Government in old Egypt was not so different in its practical bearing upon everyday affairs from government to-day. By means of government the Egyptians validated land titles, settled boundary works, regulated water rights, conserved national resources against the peril of famine, constructed public buildings, preserved order, punished crimes, maintained armies and navies, levied and collected taxes, and performed scores of similar functions in common with the governments of the present time.

Religion may have been a somewhat more potent force in shaping governmental policies and regulating governmental processes in Egypt than among the Greeks, the Romans, and later European peoples, though it would be difficult to prove conclusively that such was the case. The Egyptian religions did not doom the masses to enforced and slavish obedience to the will of a despotic theocracy any more than Christianity has done at various times in the history of European countries. Bushels of florid adjectives have been employed in imaginary descriptions of the brutal drafting of the multitudes to build the great tombs and temples which Egypt has left to the world; but some modern authorities say there is considerable evidence that much of this construction work was done in seasons of inundation, when all farm work was suspended on account of the benevolent overflow of the Nile and the idle population came gaily to the task of public building in a spirit of holiday and adventure. The Egyptian peasant of the olden times was not ground under the heel of oppression any more than the fellah of to-day. He toiled mightily, of course, and knew not the meaning of political freedom; but Egyptian officialdom, judged by the standards of the time, was fairly benevolent, just, and wise; and the Egyptian serf, despite the exactions of the tax-gatherer and the landlord, sang and danced and feasted as men in health and security have done since the birth of time.

The political ideology of ancient Egypt has not been as well preserved as its religious ideology, for the very obvious reason that only temples and tombs have resisted the ravages of time. But the few political ideas which have sifted down through the ages are eloquent in praise of noble principles and ideals of government and show much evidence of reflection upon the reasonableness and utility of political authority. The mighty Horemheb, dynamic militarist who made an end of the chaos resulting from a generation of religious controversy under his immediate predecessors, Tutankhamon and Akhaton, inscribed his formulary on the imperishable stone of a stela at Karnak: "My majesty is legislating for Egypt to prosper the life of her inhabitants"—a doctrine to which Jeremy Bentham and the English Utilitarians could have subscribed with enthusiasm. And being a doer of the word as well as a proclaimer, Horemheb proceeded to put his ideal into operation by attacking that thorniest of all political problems, tax administration. He introduced new tax regulations, standardized the revenues to be collected, and provided drastic penalties for extortion and bribery on the part of tax collectors—a program which savors not of theocratic absolutism but of enlightened political administration.

The Egyptian legal code has not come down to us, but many of the writings which have survived are so larded with admonitions to public officials to exercise patience, maintain impartiality, and do justice that it is difficult to escape the feeling that Egyptian political thinking reached high stages of idealism. A good example of the standards of justice enjoined upon the officialdom of the middle dynasties is found in the famous *Precepts of Ptah-Hotep*, which must have been a popular and widely read treatise in its day because five copies have been recovered. It purports to consist of the sage sayings of an old vizier, wearied by public life and seeking permission of the king to allow his son, after due instruction, to succeed to the vizierate. "If thou hast, as a leader," says Ptah-Hotep, "to decide on the conduct of a great number of men, seek the most perfect manner of doing so that thy own conduct may be without reproach. Justice is great, invariable, and assured. . . . To throw obstacles in the way of the laws is to open the way to violence. . . . If thou art a leader of peace, listen to the discourse of the petitioner. Be not abrupt with him; that would disturb him; that would trouble him. . . . The way to obtain a

clear explanation is to listen with kindness. . . . Let thy thoughts be abundant, but let thy mouth be under restraint, and thou shalt argue with the great.”¹ In the same spirit as these humane counsels of the old vizier is a charge supposed to have been delivered by a king upon the appointment of a vizier: “Forget not justice. It is an abomination of god to show partiality. This is the teaching. Therefore do thou accordingly. Look upon him who is known to thee like him who is unknown to thee; and him who is near the king like him is afar. Behold, a prince who does this, and he shall endure in this place.”¹

Systematic political philosophies Egypt probably did not develop. But she cannot be denied credit for generating great political ideas. What the world owes to the political thought of Egypt we can never know. In connection with the temple at Heliopolis was a college to which, tradition says, came Solon, Thales, Pythagoras, Plato, and other great masters of Greek thought to study the wisdom of the ancient Egyptians, and whence they are said to have derived many of the resplendent doctrines of Greek philosophy. We may, if we choose, dismiss this as one of the romantic fictions of history; but we cannot doubt that the Greek world and many and frequent contacts with the great mother civilization of the Nile or that Greek thought borrowed generously from the store of ideas accumulated during Egypt’s three thousand years of political grandeur.

III

Of the political life and thought of the lusty civilizations which flourished in the valleys of the Tigris and Euphrates rivers between the years 3000 B.C. and 500 B.C. we know even less than of the political aspects of Egyptian civilization. Historians tell us with impressive unanimity that the city kingdoms of the Sumerians and the successive empires of the Babylonians, Assyrians, and Chaldeans were military despotisms resting upon theocratic principles quite uncongenial to political thinking. We shall not quarrel with this opinion, though we may doubt whether the work of reclaiming the long-buried records of the ancient civilizations of the Two Rivers has gone far enough to justify final conclusions.

To suppose that civil government would be a secondary and rela-

¹ Quoted in I. A. Wing and others, *The Building of Our Social Structure* (1928), pp. 28–30.

tively inconsequential factor in the intellectual activities of peoples as highly organized and as deeply involved in political processes of life as were these old Semitic social systems is hardly more plausible than would be a similar supposition in regard to the Middle Ages in Europe, which, despite their theological preoccupations and theocratic tendencies, produced such notable political treatises as the *Policraticus* of John of Salisbury, the *De Regimine Principum* of Thomas Aquinas, the *Defensor Pacis* of Marsiglio of Padua, and the *De Monarchia* of Dante. Government in the ancient Mesopotamian empires had its armies to raise, its foreign relations to carry on, its irrigation canals to construct and maintain, its highways to build, its criminal laws to enforce, its commercial affairs to regulate, its property rights to validate and protect, its civil wrongs to settle, its taxes to collect as well as its ecclesiastical functions to perform. The king, it is true, did claim sacerdotal prerogatives of the highest character and did succeed in clothing his secular activities with religious sanctions; but so did Roman emperors once upon a time, and Russian czars, German kaisers, and, if the records be not amiss, French and English kings of pre-revolutionary vintage.

In spite of all theocratic pretensions on the part of royalty and prelacy, and in spite of popular acquiescence therein, the business of government is so overwhelmingly of the earth earthy that its secular characteristics will prevail over all efforts to relegate them to the background. Striking confirmation of this is found in the famous code attributed to Hammurapi, the monarch who ruled in Babylon about 2100 B.C. The renowned laws of Hammurapi cannot be regarded as royal fiats pure and simple. As Professor Breasted says, "The great king finally saw how necessary it was to bring into uniformity all the various and sometimes conflicting laws and business customs of the land. He therefore collected all the older written laws and usages of business and social life, and arranged them systematically. He improved them or added new laws where his own judgment deemed wise, and he then combined them into a great code or body of laws."¹ From the nature of its origin this code must be viewed as a social product, embodying the results of many generations of political experience, usage, and thought. If religion absorbed so much of the thought of the Babylonian people as is sometimes assumed, their legal code should bear little evidence of

¹ J. H. Breasted, *Ancient Times* (1916), pp. 130-131.

secular notions. But consider, if you will, a few random selections from the code of Hammurapi:

"If any man has borne false witness in a trial, or has not established the statement that he has made, if that case be a capital trial, that man shall be put to death. If any man has borne false witness in a civil law case, he shall pay the damages in that suit.

"If a patrician has stolen an ox, sheep, ass, pig or ship, whether from a temple or a house, he shall pay thirtyfold. If he be a plebeian, he shall return tenfold. If the thief cannot pay, he shall be put to death.

"If a man has committed highway robbery and has been caught, that man shall be put to death. If the highwayman has not been caught, the man that has been robbed shall state on oath what he has lost and the city or district governor in whose territory or district the robbery took place shall restore to him what he lost.

"If a man has taken a wife and has not executed the marriage contract, that woman is not his wife. If a man has divorced his wife, who has not borne him children, he shall pay over to her as much money as was given for her bride-price and the marriage portion which she brought from her father's house, and so shall divorce her. If a man has married a wife, and she has borne him children, and that woman has gone to her fate, her father shall lay no claim to her marriage portion. Her marriage portion is her children's only."

Does it seem probable that a society in which law and political authority were viewed as incontrovertible expressions of the will of the gods—gods more irrational, malign, and immoral than the men who worshipped them—does it seem probable, we repeat, that the legal code of such a people would impose no higher penalty for rifling a temple than for stealing from a private house, would impose heavier duties of restitution upon offenders of the patrician class than upon the common people, would compel public officials (presumably passive instruments in the hands of the gods) to reimburse from their own pockets private citizens who may have suffered loss through the failure of the officials to catch the real offender, or would safeguard the property rights of a divorced wife or of the children of a deceased wife? Could a people devoid of all conception of civil justice or of the reasonableness and utility of political authority develop such a body of laws?

IV

The most complete literature left by any of the ancient peoples is that fascinating compendium of Hebrew writings which the

Christian world has chosen to lump together as the Holy Bible. It is to be regretted that the average Christian reverences the Bible too deeply to understand it. Obsessed with a belief in its sacrosanct character, he fails to appreciate the superb historical, sociological, and literary qualities of the Great Book. Few Biblical scholars of any repute to-day hold the Bible to be the Word of God in the sense that God wrote it or even dictated the writing of it; but that the Bible contains the literary remains of one of the most gifted and articulate races that ever attained civilization is a fact too patent for even the most rabid skeptic to deny. Within the purview of its sixty-six books may be found history, biography, philosophy, poetry, folklore, romance, and even erotica of matchless power and beauty. But where are its political treatises? The common assumption is that there are none; and, speaking strictly, that is true.

The Hebrew people are said to have lacked political genius and to have been motivated chiefly by religious ideas and aspirations. The Israelite state is said to have been an Oriental theocracy resting not upon the will of its rulers or of its people, but upon the will of Jchovah, who is described by Willoughby as "the legislative source of the basic principles by which society was bound together and controlled."¹ Yet it is recorded in the First Book of Samuel² that the elders of Israel, not content with Jchovah's management of their temporal affairs, "gathered themselves together, and came unto Samuel [Jchovah's personal representative] unto Ramah, and said unto him, Behold, thou art old, and thy sons walk not in thy ways: now make us a king to judge us like all the nations. But the thing displeased Samuel, when they said make us a king to judge us. And Samuel prayed unto the Lord. And the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but have rejected me, that I should reign over them. . . . Now therefore hearken unto their voice: Howbeit yet protest solemnly unto them and shew them the manner of the king that shall reign over them." Samuel did as he was told, and warned the people of their folly with a word-picture of monarchial tyrannies which should have sent a shudder up the spine of every father in Israel. Nevertheless, the Scripture says, "the people refused to obey the voice of Samuel; and they

¹ *Op. cit.*, p. 24.

² I Samuel, vii, ix, x.

said, Nay; but we will have a king over us; that we also may be like other nations; and that our king may judge us, and go out before us, and fight our battles."

Now when Samuel reported back to the Lord how intractable the children of Israel were about this king business and asked for further instructions, Jehovah, regardless of his previous declaration that this would be a repudiation of his rule, took a very complaisant and urbane attitude, and "told Samuel in his ear the day before Saul came, saying . . . thou shalt anoint him to be captain over my people, Israel, that he may save my people out of the hand of the Philistines: for I have looked upon my people, because their cry is come unto me."

Is this not a most astounding narrative to find in the literature of a people said to have taken their law and government directly from the mouth of the Most High? What manner of god must have been this Jehovah, to bow to popular clamor and give his precious people a kingly government that was destined to lead them straight to the altars of strange and alien gods? Did ever an Egyptian, Assyrian, Babylonian, Hindu, Greek, or Roman god make such a concession to the principle of *vox populi vox Dei*? Was ever a real theocracy founded upon such affable deference to popular will on the part of regnant deity? The Scriptures, to be sure, maintain the fiction that the kings of Israel were merely temporal agents of Jehovah, but the vehement thunderings of the prophets down the ages show how empty that fiction was and how completely the people and their rulers were swayed by ideas of a different sort.

Political motivation was an unquenchable element in Hebrew psychology. No catastrophe, not even captivity, exile, and utter loss of their homeland could extinguish the passionate will to power of the Jewish race. In the face of adversities such as utterly annihilated Greek and Roman political consciousness, the Jews preserved not only their racial and religious unity but also their almost fanatical belief in the ultimate restoration of the Jewish state. The Messianic expectations of the Jews were certainly as much political as religious, and the political promises they held forth were undoubtedly among the chief reasons for the credibility attached to them by an exceptionally incredulous race. The average Jew, and probably also the average Jewish priest and prophet, never for a mo-

ment doubted that the Messiah would establish a political régime that would surpass the power and glory of all kingdoms of the earth. The Messianic prophecies are full of that sort of vaticination. "And in that day," intones the majestically eloquent Isaiah, "there shall be a root of Jesse which shall stand for an ensign of the people; to it the Gentiles shall seek; and his rest shall be glorious. And it shall come to pass in that day, that the Lord shall set his hand again the second time to recover the remnant of his people, which shall be left, from Assyria, and from Egypt, and from Pathros, and from Cush, and from Elam, and from Shinar, and from Hamath, and from the islands of the sea. And he shall set up an ensign for the nations, and shall assemble the outcasts of Israel, and gather together the dispersed of Judah from the four corners of the earth." Then in language of sublime and awful eloquence the prophet foretells the destruction of all the kingdoms of the world save Israel, which "shall blossom and bud, and fill the face of the world with fruit." To a people familiar with the splendors of Asiatic imperialism, a people living on the high road between Egypt and Assyria and Babylonia, a people who had suffered oppression and desolation at the hands of those mighty monarchies such words were definite political promises. Little wonder they had scant welcome for a Messiah who came saying, "My kingdom is not of this world."

No distinct literature of political thought, in fact no single treatise of exclusively political nature was ever produced by the ancient Hebrews; but the Bible is a well-stored magazine of political ideas. So abundant and varied are the political ideas which make appearance in its pages, so typical are the factors in its political subject-matter, and so weighty is the authority accorded to it by Christian peoples that political controversialists have found it a never-failing source of substantiation for every kind of doctrine. The Bible has been used to support the doctrine of divine right of kings and to disprove it, to justify democracy and to subvert it, to vindicate the temporal supremacy of the church and to dispute it, to uphold religious liberty and to deny it, to defend slavery and to oppose it, to condone revolution and to condemn it, to champion communism and to assail it, to sanction Prohibition and to combat it. And, being what it is—the assembled literature of a many-sided and agile-minded people—the Bible has generously furnished ideas for all protagonists.

V

The Chinese are Oriental people whom the West has likewise credited with few political ideas of any consequence. "While it is the habit of writers generally," says Senator E. D. Thomas, "to give China, as Dunning and Janet do, high place in the science of ethics and morality, the slight considerations given to political China are buried in such terms as 'Oriental Empire,' or in stressing the morals, ethics, religion, and personal habits of propriety, they are forgotten. . . . Several writers give brief but worthy mention to Confucius and Mencius. But the moral and ethical teachings of these great teachers are so heavily stressed that the ordinary student of political theories assumes that the field needs no further investigation." ¹

Senator Thomas' own timely and valuable book on *Chinese Political Thought* bids us revise our judgments of Chinese political institutions and ideas. To dismiss China as an Oriental empire in which political thought could not flourish betrays as little comprehension of the true inwardness of Chinese political life as to deny that England has a constitution because it is not found embodied in a single written instrument. Although there is not, according to Thomas, a sharp distinction in Chinese political thought between political and moral ideas, "the political duty is the supreme duty. The prince's or the subject's duty to the State is made a moral duty as it undoubtedly has been wherever patriotism has developed. This has made for political morality, which is the highest of all moralities in the eyes of the Chinese when there is a conflict between duty to the State and any of the other many duties which propriety demands." ¹

The great thinkers of China did not neglect political thought, nor were political ideas alien to the Chinese people. Confucius was much occupied with public affairs and held several important public offices during his long career. He taught that man should be brought into harmony with nature through education and the proper organization of government. Government he viewed not as an institution resting upon the absolute will of a divinely ordained emperor, but as one resting upon natural reason and sound virtue. In this doctrine he was essentially at one with Socrates, Plato, and scores of political thinkers who followed in their train.

¹ E. D. Thomas, *Chinese Political Thought* (1927), pp. 7-9.

Lao Tzu, the Old Philosopher, agreed with Confucius that reason and virtue in conformity with the great principles of nature are the essential cornerstones of the institution of government, but felt that the Confucian system of striving to attain the ideal through the formulation and observance of a multitude of meticulous rules of propriety was a mistake. A true prototype of Rousseau, Lao Tzu contended that man must be divested of all the artificial encumbrances of civilization and return to that ideal state of natural being from which he had emerged in the building of civilizations. In this Arcadian *Naturreich* it was believed that reason, virtue, and good government were one and inseparable.

Mencius, like his revered master, Confucius, was an exponent of the doctrine of natural reason and virtue as the basic ingredients of the state. Said he: "The Emperor Shun [mythical emperor-sage of Chinese antiquity] was but a man, and I also a man. . . . He who exerts himself will also become such as Shun was." Chuang Tzu, a renowned disciple of Lao Tzu, rebelled against the conventionalism and artificiality of the Confucian system, and went so far as to condemn all government. An institution, he argued, which imposed restraints on nature or created arbitrary standards of conduct was contrary to the great scheme of things—a doctrine which libertarian thinkers of all ages have embraced with ardor.

The Chinese mind seems never to have accepted the notion that political authority was of supernatural derivation or that the emperor was in any unique way a sacerdotal personage. Regicide and revolution were not only practiced, but were justified, and sometimes extolled, by the philosophers. Mencius declares that a ruler who departs so far from the canons of reason and virtue as to be worthy of death is in no wise different from an ordinary person. Not only is the ruler to be held responsible for the quality of government, but he may be brought to account by his subordinates. Confucius, though opposed in theory to regicide and revolution, cites without disapproval a number of instances in Chinese history where kings and rulers were put to death.

The Chinese conception of imperial authority appears to have been that the emperor was a super-patriarch, the great and benevolent father of his people; and when he ceased to be that, popular disapproval might assert itself against him. Confucius, who probably reflects the Chinese political mind as accurately as any of the

Chinese thinkers lay down in his *Analects* the following essentials for a sound and proper government: (1) to provide adequately for the economic needs of the people; (2) to maintain a military force sufficient to sustain the existence of the people; (3) to retain the support and confidence of the people.

The ideal of an economically prosperous and flourishing people was ever present in Chinese political thought. The first duty of a ruler, say all the sages, is to prosper his people and conduct his government so as to promote the welfare of all. "The earth provides enough for all. If all do not get it, it is the fault of the government."¹ And still we hear that paternalism is a modern idea!

Though the imperial government of China was autocratic in form and often in practice, Chinese society has ever been essentially democratic in structure. The autocracy of the emperor was more that of a *pater familias* than of a divinely sanctioned despot. True, the emperor ruled as the Son of Heaven, but, be it remembered, as the son of a Chinese and not of a Christian heaven. Heaven to the Chinese mind was not the mystic abode of an invisible and unapproachable God, but a system of natural laws and relationships expressing the Perfect Mind and the Perfect Will. The state was an integral and indispensable part of this system, and at the apex of the state stood the emperor; but his authority was not supported by the mandates of God, but by the proximity of his conduct to that exalted fatherhood which he symbolized and was supposed to realize in the social process. In the vast and sublimated family of which the emperor was deemed to be the paternal head, the voice and will of the people could be felt and might at times outweigh the voice and will of the emperor.

VI

Hindu political thought has received perhaps shabbier treatment at the hands of Western commentators than the political thought of any other Oriental people. Most of our information about Hindu political institutions and ideas has emanated from sources which could scarcely achieve a detached view of the political side of Indian life and character. The people of India have been represented as being so intensely preoccupied with fantastic and stupefactive religions as to be inherently unfitted for political responsi-

¹ E. D. Thomas, *op. cit.*, p. 70.

bilities, and the political history of India, from the accounts of Western writers, would seem to be a delirious tale, full of the sound and fury of desolating civil wars and bloody religious struggles, but signifying nothing except sordid misgovernment until the British took hold and put things in order.

To understand India and Indian political history one must apply to his eyes corrective lenses through which he may see certain facts not generally comprehended outside of India. The first is that India never was a single country and never knew the meaning of religious, economic, social, or political unity. Like Europe, it has always been a vast continental area (the size and population being about the same as those of Europe minus Russia) made up of many races, religions, and political entities. The second corrective fact to be noted is that India has had much the same sort of history as Europe. Taking the history of Europe as a whole, which is the way we should take the history of India, one may find in any corresponding period of time in Europe just about as many bloody wars, dynastic struggles, and religious broils as may be found in India. The third corrective fact to be observed is that the backwardness of India as compared with Europe is of relatively recent origin, dating only from about the middle of the nineteenth century, when the Western world began to reap the full fruits of the Industrial Revolution.

It was the misfortune of India to be in a state of disorder not unlike that of Europe during the Thirty Years' War or the recent World War at a time when powerful European states embarked upon world-wide programs of economic imperialism. Being better organized at the time than any of the countries of India and, thanks to the Industrial Revolution, far better implemented, the European powers were able to overrun India almost at will, much as the invading Huns and Moors had been able to do in Europe in earlier centuries. Superior organization, wealth, and technological equipment reduced India to dependency with quite the same easy success as, at various periods in European history, they might have reduced Europe to dependency had there been a sufficiently potent and aggressive non-European power seeking a foothold in Europe.

The ensuing dependence of India should not, therefore, blind us to the fact that the political history of India is more ancient than that of Europe and not unfruitful in political ideas. During its many centuries of political independence the Indian continent witnessed

the rise and decline of states of every conceivable form and magnitude, from tiny village commonwealths to mighty empires comparable in area, population, and power with any the world has known. "The Hindu Pericleses, Caesars, Justinians, Charlemagnes and Frederic Barbarossas," says Benoy Kumar Sarkar, "could easily challenge comparison with their western peers on their own terms." ¹

The Maurya Empire of Chandragupta and Asoka in the fourth and third centuries, B.C., was considerably more extensive than the present British Empire in India, and was in its day one of the great states of the world. It carried on diplomatic relations with Egypt and the states of Greece and was respected by them as an empire of world stature. The empire of the Hindu-Tartars in the north and northwest of India in the first and second centuries of the Christian era was also a state of world rank, maintaining diplomatic relations with the rulers of China on the one hand and with those of Rome on the other. The southern empire of the Andhras, B.C. 200 to A.D. 250, was another Indian state of great power and magnitude, which enjoyed equal relations with the leading contemporary states of Europe and Asia. So one might continue the enumeration, naming one by one the great kingdoms and empires which have made the history of India rich and varied in political experience.

It would seem incredible that such long-continuing, far-sweeping, and widely diverse political processes should produce no political thought. "Unfortunately," to quote Mr. Sarkar again, "the impression has gone abroad since the days of Max Müller that the literature of the Hindus deals mainly with vague idealism, unpractical mysticism, and other-worldly absurdities—at best metaphysical philosophy. Besides, a few stray passages from one or two ancient Hindu authors have been erroneously taken to be the watchword of all Hindu thought. Sanscrit literature is in reality the literature of every human activity from cooking, dancing, painting, cattle-breeding, gardening, and grooming to croics, thieving, burglary, warfare, navigation, and manufacture of military implements. Needless to observe, political and socio-legal treatises occupy a great deal of space." ²

¹ B. K. Sarkar, "Hindu Political Philosophy," *Political Science Quarterly*, Vol. xxxiii (1918), pp. 482-500.

² *Ibid.*, p. 488.

Mr. Sarkar, in the essay just quoted, informs us that writings on political theory and practice are to be found in nearly every branch of Sanscrit literature, and that there are a number of outstanding special treatises on politics and public administration which are comparable in every respect with those which adorn the literatures of European countries. Not many of these, however, have been translated into English, and none of them are well known to the western world.

Among the leading doctrines of Hindu political thought, as condensed by Mr. Sarkar, are the following: (1) the idea that rulers are not all men elevated to high position in order that they may protect the interests of the people; (2) the idea that it is the duty of rulers to consult the people, keep in touch with their affairs, and consider matters brought forward by them; (3) the idea that it is the duty of the people to coöperate in the administration of government, obey the laws, and lend aid in their enforcement; (4) the idea that the proper functions of government include any activity which may be expedient according to social needs; (5) the idea that rulers should be guided and controlled by the advice of ministers and counselors; (6) the idea that the kingship is a secular institution, subject to constitutional limitations and checks imposed through the ministry and people; (7) the idea that the governed have a right to resist and overthrow tyrannical government; (8) the idea that military service and valor are of supreme importance in regulating and controlling the processes of government; (9) the idea that warfare should be conducted in as humane and chivalrous a manner as possible; (10) the idea that the first acquisition of man through the state, and therefore perhaps the primary object of government, is property; (11) the idea that the second acquisition of man through the state is *dharma*, a comprehensive Sanscrit term embracing the concepts of law, justice, duty, and virtue rolled into one.

This concept of *dharma* is most interesting. It is the philosophic fructification of *danda*, which may be taken to mean the physical potency of the state to employ coercive means of effecting its will. By *danda*, out of political society, is begotten *dharma* in the sense of positive law, and also in the sense of natural law, moral law, and ethical jurisprudence. Out of the same wedlock is begotten *dharma* in the sense of theoretical and practical justice, and also in the

sense of civic duty and political virtue.¹ The ability of the Hindu mind to spin out so elastic and many-sided a political concept argues a very considerable facility of political imagination and no little faculty of political invention. It cannot be said that Hindu political ideas have had any great influence upon Western political thought, but the extent of their influence upon the past and present, and possibly upon the future, political life of India no Western mind is wholly competent to measure.

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¹ B. K. Sarkar, "Hindu Theory of Property, Law, and Social Order," *International Journal of Ethics*, Vol. xxx (1920), pp. 311 ff.

CHAPTER III

INCOMPARABLE ATHENS

I

IN the history of political ideas the place of Athens is unique. From this incomparable City of the Violet Crown emanated the world's first systematic political philosophies, and also many of the world's most dynamic and permanently vital political ideas. Hellenic culture was universal throughout the Mediterranean littoral; Hellenic art and literature flourished wherever Greeks made their abode; Hellenic commerce encircled the seas; Hellenic swords were everywhere unsheathed; Hellenic institutions of government spread to hundreds of cities in Europe, Asia, and Africa; but Hellenic political philosophies flowered almost exclusively in Athens. In the realm of political thought the Athenian mind was the sovereign mind not only of Greece but of all antiquity, and, some would say, of all time.

It was not by accident, nor yet perhaps by reason of innate qualities of mind that the Greek peoples inhabiting the tiny Plain of Attica came to be politically sensitized beyond any other aggregation of people the world has ever known. The conquering Aryan nomads who came pouring into the region of the Aegean about 1500 B.C. had few positive qualities betokening political fertility, but on the other hand they had equally few encumbrances and inhibitions. At the time of their first appearance upon the scene of their subsequent preëminence they were nothing more than a collocation of racially related tribes of roving herdsmen. Such government as they had was inchoate and unsolidified. Owing to their nomadic habits of life they had escaped the formalizing and congealing effects of the temple-state and priest-king stages of political development. Kings and priests they had, to be sure; but such kings and such priests! Their kings had no palaces, no courts, no lands, and no authority save as leaders in battle. And their priests formed no hierarchy, had few supernatural attributes, and exerted little influence in temporal affairs.

Social organization was primarily familial. Each head of family enjoyed patriarchal prerogatives within his own sept and, if his

family were of sufficient importance, a certain titular prestige throughout the tribe. In time of war the head of one of the great families became a sort of general in chief, but lesser generals were numerous and often demonstrated their independence, like Achilles, by sulking in their tents. Greater and lesser families—nobles and commons—were to be found in each tribe, but these were not sharply differentiated or definitely set apart.

Having no political antecedents, no sacred traditions to maintain, no long-established and complicated institutions to perpetuate, the Greek tribesmen were able to accommodate themselves to almost any set of conditions. Upon penetrating the Aegean peninsula they found a full-grown but easily conquerable civilization, and simply moved in and took possession. Here were magnificent cities—Cnossus, Tiryns, Mycenae—walled towns, cultivated fields, industries, houses of trade, temples, and mystic religious rites, and elaborate social and political usages. As military masters the barbaric Aryan raiders settled down upon this pre-Hellenic (probably Semitic) social order and proceeded to absorb civilization. Not, however, as slavish copyists, but as learners unhampered by the past and prone to innovation and experiment. By this contact with an old civilization their political development was greatly speeded up, but not by the wholesale adoption of what they found in Greece. They retained their embryonic political institutions and rapidly developed them to meet new conditions.

Had the story of Egypt, Babylonia, Assyria, or Persia been repeated, there would have been a gradual consolidation and coalescence of city-states and tribal domains to form at last a vast Greek empire. But this did not occur until after the apogee of Greek civilization, when Macedonian might forged a fitful hegemony destined to expire almost in birth. Topography militated against Greek political unity. The invading Greek tribesmen found in the Aegean area a scrambled conglomerate of rugged mountains, isolated valleys, intrust arms of the sea, and marginal islands. Each conquering band fell heir to a more or less insulated section of territory and there proceeded to erect an independent commonwealth. That rivalry which is natural among kinsmen tended to prevent voluntary amalgamation, and the transitory contacts between the different tribes did not encourage involuntary unification. Hence they not only remained separate, but separatism

became the very keynote of their political behavior. All their politics were local politics, and local politics, as we know from modern experience, engender the most violent passions and the most intense interest. The rivalries were so numerous, the feelings so hot, and the collisions so frequent that public affairs outranked all other interests.

This preoccupation with politics was greatly accentuated by the social and political structures evolved by most of the Greek states. We have already noted that the invading tribesmen were of two classes—nobles and commoners. These, upon the completion of the conquest, became free citizens, while the conquered aboriginal population was reduced to the status of serfdom or slavery. The free citizens rarely constituted more than half and often much less than half of the total population; but they alone enjoyed political rights and privileges. Though monarchical forms were preserved in some of the Greek states, the actual power of government soon fell into the hands of the nobility. But in course of time the patricians began to peter out. In most of the Greek states they got their estates hopelessly encumbered with indebtedness and were too soft and stupid to maintain themselves either as military or economic overlords. So the commoners came into power. In some places only rich commoners were admitted to participation in public affairs, and this resulted in a form of government known as oligarchy. In other places, of which Athens was the most conspicuous example, political rights and privileges to the fullest extent were accorded to all free-born citizens. This resulted in a form of government known to the Greeks as democracy, meaning rule by direct action of the citizenry. Often in the factional struggles which characterized Greek politics a proemial Hitler would get the masses behind him, unseat the existing authorities, and install himself as ruler of the state. Such a government was called a tyranny, not so much because of its arbitrary as because of its extra-legal character.

Greek political thought was begotten of democracy, especially Athenian democracy. In Athens, with a total population of between 300,000 and 400,000, the citizens and their families numbered not more than 160,000, and of these scarcely more than 30,000 were adult males qualified to participate in public affairs. No slave, no freedman, no resident alien, and no Greek, unless he

could establish descent from an Athenian citizen, could take part in public assemblies, cast a vote, hold an office, appear in a court of law, or enjoy any of the privileges of membership in the body politic. It was a closed communion of which none could partake who lacked the requisite genealogical qualifications.

"One obvious result," says Mr. H. G. Wells, "of this monopolization of the state by the class of citizens was that the patriotism of these privileged people took an intense and narrow form. They would form alliances, but never coalesce with other city states. That would have obliterated every advantage by which they lived. There would have been no more fees, no more privileges. The narrow geographical limits of these Greek states added to the intensity of their feeling. A man's love for his country was reinforced by his love for his native town, his religion, and his home; for these were all one. Of course slaves did not share in these feelings, and in the oligarchic states very often the excluded class got over its dislike of foreigners in its greater dislike of the class at home which oppressed it. But in the main, patriotism in the Greek was a personal passion of an inspiring and dangerous intensity."¹

To the foregoing reasons for the extraordinary development of political consciousness among the Greeks, and particularly the Athenians, may be added their religion and their economic life. Fortunately the hearty Aryan herdsmen who overran the Aegean lands were not encumbered by an Oriental religion, or by overmuch religion of any kind. Their gods capered and laughed like human beings, and were in truth little more than human beings of heroic mould. Their idea of compliance with the will of the gods was not subjection to a metaphysical and incomprehensible absolute, but conformity with natural forces which men could perceive and understand, and of which their gods were symbolic representations. Of mysteries they had many, but of mysticism very little; of religious rites they had an abundance, but of theological dogmas almost none. Hence their political ideas were undefiled by religious obfuscation, and their priestly class, by comparison with the corresponding class in Babylonia or Egypt, was small and inconsequential—chiefly guardians of shrines and ceremonial functionaries.

Economically Greek society, and notably Athenian society, re-

¹ H. G. Wells, *The Outline of History* (New York, 1930), p. 290.

fused to become permanently stratified. Agricultural resources, except in a few sections, were too meager to permit the rise of a permanently dominant landed aristocracy; but manufacturing and commerce opened roads to wealth and power for all classes. Diligent artisans, clever tradesmen, and even slaves made fortunes and rose to positions of consequence in the potteries, metal industries, textile factories, shipyards, mercantile establishments, and financial houses which sprang up all over Greece. As economic power changes hands political power tends to do the same, and as a consequence of constant mutations of economic structure the political life of Greek states was in a correspondingly continuous state of flux. Government was a decisively important factor in the economic struggle, and was involved in every clash of economic forces.

II

Of the hundreds of city-states which flourished in ancient Greece, Athens is the only one the world fondly loves to remember. Others in their day were perhaps just as populous, just as mighty in war, just as prosperous in their economic affairs, just as well-governed, just as great in every material way; but not one can be mentioned in the same breath with Athens as a center of intellectual and artistic achievement. Nor can any other compare with Athens in richness of political experience and boldness of political thought. More perfectly in Athens than anywhere else in the Hellenic world "Greek patriotism blended the emotions of school and family, of religion and politics, into one passionate whole."¹ Never before, and possibly never since, in human history has such complete identification of the individual and communal been achieved.

Athens was slow in taking her place among the states of Greece because she had much to overcome. The soil of Attica was thin and the terrain unsuited to either extensive or intensive agricultural development. The countryside lay open to marauders by land and sea, and not until there was a communal solidarity and power sufficient to convert the Acropolis into an impregnable stronghold was there any respite from pillage and spoliation. Of necessity, therefore, the settlements in the vicinity of the Acropolis coalesced into a strong state, and the kings who ruled from this Attic Gibraltar were

¹ R. H. Murray, *The History of Political Science from Plato to the Present* (1926), p. 1.

able to bring all the petty kingdoms of the surrounding territory under their sway.

But kings were not destined to survive in the Athenian state. By 713 B.C. monarchy had given way to aristocracy, which, subject to the numerous mutations incident to the transformation of the city from a bucolic garrison into an emporium of world trade, endured until about 508 B.C., when an aroused populace, taking advantage of factional struggles within the ruling class, forced through constitutional reforms which converted the government into a democracy. The active management of the Athenian state was now in the hands of its citizens. Every adult male citizen was *ipso facto* a member of the general assembly of citizens which wielded supreme authority. He might also be called upon for service in the *dikasteries*, or courts, which consisted of 6,000 citizens drawn by lot from the general body of citizens and divided into ten panels to function as judicial tribunals. For this duty the citizen received a fee equivalent to a day's wages for a skilled laborer. Fees were also paid, in the later history of Athens, for attending the general assembly. While this practice gave poor citizens the same chance to take part in government as the wealthy, it also had a tendency to put citizenship on a mercenary basis. Some historians have criticized the Athenian citizenry as a rabble of fee-seekers and bribe-takers.

In addition to the assembly and the courts the principal organs of government were the archons, the generals, and the councils, especially the Council of Five Hundred. The archons originally functioned as a board of magistrates, but in time their work was absorbed by the assembly. The ten generals may be likened to ministers of state in modern governments. The assembly elected them and determined their powers and duties. The Council of Five Hundred was a preconsidering, proposing, and supervising body elected by the citizens.

Radically different was the scheme of government in Sparta, the chief contender with Athens for supremacy in Hellas and the implacable rival who finally brought the Athenian Empire to ruin. Sparta was an agricultural state with a monarchical form of government that was in reality dominated by a military junta. Full citizenship belonged only to the Spartans, who were descendents of the original conquerors. They were a minority of the total population, and were trained warriors ready for instant action. By a most rigid

system of athletics, military exercise, diet, and education, the Spartan boy was trained from early youth for warfare and government. Women were subject to a correspondingly severe course of training for motherhood, and of the children born to them only the strong were permitted to live. Below this ruling class was a middle class called the *perioikoi*, who had civil but no political rights; and beneath these was a class of agricultural serfs called *helots*, who had no rights at all.

The machinery of government in Sparta consisted of two kings, who reigned but did not rule; a senate of twenty-eight members in addition to the kings; a popular assembly composed of all adult male citizens; and finally a board of five ephors. The ephorate was the focus of authority in the Spartan system. The senate was essentially a judicial body, and the assembly, though potentially supreme, did not meet frequently and delegated most of its power to the ephors.

This Spartan régime had a curious fascination for the Athenian mind. In the martial organization, repressive discipline, standardized education, social regimentation, and concentrated authority of the Spartan state, Athenian thinkers, disillusioned by the vagaries and excesses of democracy, were prone to see qualities essential to a sound polity. Yet Athens to-day enjoys a glorious immortality, while Sparta is all but forgotten and would be entirely unremembered were it not for the part she played as chief adversary of Athens in the dramatic struggle for preponderance in the Greek world. Spartan government was potent but ephemeral; Athenian government was impotent and equally ephemeral, but Athenian ideas of government would never die.

The climax of Athenian power came between the years 490 and 404 B.C. Turning back the second Persian invasion at the battle of Marathon in 490, "The Athenians broke the spell of the Persian name; for they bravely faced perhaps six times their number and proved once for all the supremacy of Greek over Oriental. The victory filled the Athenians with self-confidence and made them aggressive. Within a day their stature had grown heroic, and the memories of that day inspired them thereafter to brave danger in the forefront of Hellas."¹ Thus began the imperial age of Athens. Under the leadership of Themistocles, a political genius of towering ability, the city began to gird itself for the inevitable third Persian

¹ G. W. Botsford *A History of Greece* (1899), p. 112.

invasion. The finances of the state were strengthened and put in order, a navy of two hundred triremes was built, and a defensive league of Greek states, including Sparta, was effected. In the spring of 480 B.C. the invaders appeared with an army estimated to number between three hundred thousand and a million men and fleet of more than a thousand ships of war. At the celebrated pass of Thermopylae the Persian host was checked by a handful of Spartans, and in the bay of Salamis the fleet was destroyed by the Athenians and their allies. On land the war continued until the following summer when the Spartans and Athenians in alliance overwhelmed the Persian forces at Plataea.

From this titanic struggle Athens emerged as leader of the maritime states and Sparta of the land states. Athens promptly converted the Delian Confederacy into a naval empire which Spartan militarism could not allow to go unchallenged. Both foresaw the inevitable day of collision and began to make preparations for it. One of the first moves of the Spartans was to undermine the power of Themistocles, the super-statesman whose genius had made Athens a foe to be feared as much as Persia. By a political conspiracy, said to have had its source in Lacedaemonian plots, this Hellenic Washington was forced into retirement, but in 460 B.C. a worthy successor stepped into his shoes. The name of Pericles is affixed to the golden age of Athens. Under the leadership of Pericles as general and head of the state Athens reached the peak of imperial prowess. The first war with Sparta and her allies ended with complete victory for Athens in 451 B.C. The material prosperity of the city was never greater. Sculpture, architecture, letters, and philosophy prospered in like degree, and the masterpieces of art and literature which appeared during the thirty years of Pericles' ascendancy in Athens have never been surpassed in number or quality in any time or place since the world began.

Even as the pinnacle was reached storm clouds appeared on the horizon. In 431 B.C. Sparta launched another drive against Athens, and this instead of coming quickly to a decisive issue stretched out into a war of endurance. The popularity of Pericles declined, factional politics accomplished his suspension from command of the army, and in 429 B.C. he died of the plague. The fortunes of Athens soon began to ebb. An inconclusive peace to last for fifty years was patched together in 421. It lasted only eight years. In 413 hostili-

ties were resumed, and in 404 Athens was beaten into submission. Sparta now was supreme and Athens was her chattel.

III

On the morrow of her political splendor, as a melancholy anticlimax, came the immortal political philosophies of Athens. It was as though the ordeal of defeat and humiliation on the heels of unexampled brilliance and power was a necessary ferment in the maturation of political ideas. Between the three imperishable names in Greek political thought—Socrates, Plato, Aristotle—and the rise and fall of Attic imperialism there is an interesting, if not significant, chronological correlation.

Socrates was born in 469 B.C.—nine years before Pericles came into power in Athens—and was put to death in 399 B.C.—five years after the final eclipse of Athens as an independent power. Plato was born in 427 B.C., which was two years after the death of Pericles, and died in 347 B.C., just at the time Macedonian militarism was beginning to sweep all before it. Aristotle was born in 384 B.C., when Sparta was at the height of her overlordship in Hellas, and died in 322 B.C., which was one year after the death of Alexander the Great. Socrates, the teacher of Plato, saw Athens rise to the summit of political greatness and plunge down into the lowest pit of political debility and shame. Plato, the teacher of Aristotle, witnessed the decline and fall of Athens, the judicial murder of Socrates to placate the Athenian populace, the overthrow of Sparta by the Theban alliance, and the fateful rise of Macedonian autocracy. Aristotle, the teacher of Alexander the Great, lived through the culmination and collapse of Spartan power and saw his native Macedonia become mistress of Greece, then mistress of the world, and finally mistress of nothing but glorious imperial memories.

Greek political thought had its beginning long before the time of Socrates. Regarding human society as part of an intelligible and orderly cosmos, Greek thinkers very early rationalized the state. They saw it not as a mystic and divinely ordained instrumentality for the government of man by powers not of this earth, but as part of the natural order of things, fulfilling nature's requirements for living as earthlings must if they would enjoy the best life has to offer. It was as natural and necessary as the family, was, in fact, an enlarged and sublimated family, fusing the individual

and the community into a harmonious and perfect whole. As a part to the whole was the citizen to the state, and he was in duty bound to conform his behavior with patterns prescribed by the state, not because the state spoke with the absolute imperative of supernal authority, but because it was the supreme embodiment of right reason among men. Thus, though the Greek must obey, he might also question and criticize. Conceiving the state to be the acme of rational being did not mean that this or that existing state must always be so regarded. Reason might challenge the validity of things as they were found, and creative intelligence might point the road from imperfection to perfection. Hence, according to Willoughby, the Greeks were "led to construct ideal politics as the crowning point of their philosophies."¹

The Greek conception of law was similarly genial and rationalistic. Law, in the broadest sense, was understood as a rule or principle of behavior to which men should conform because it was part of the natural order of things. All Greek notions of law bore the stamp of this fundamental idea. Of the three words commonly used to connote law—*themis*, *dike*, and *nomos*—the first referred primarily to that which is ordained by Heaven, Fate, or Nature; the second, to that which is abstractly right and just; and the third, to secular laws originating either in established usage or governmental enactment. Like the Common Law of England, the greater part of Greek law remained for centuries unwritten, being reduced to concrete activation by *ad hoc* pronouncements of magistrates specially revered for learning and wisdom. As in England at a later time, this tended to heighten the feeling that law was common sense and right reason in the form of specific rules of human action.

Political ideas as intrinsically idealistic as the foregoing could not escape challenge in the age of rampant materialism which followed the defeat of Persia and the rise of Athens to economic and political priority in the Mediterranean world. Success—material success—became the keynote of this period of expansion and empire. Business prospered as never before, and the old aristocracy was supplanted by a grasping, pushing, bustling breed of go-getters for whom democracy was but a means to the all-absorbing end of self-aggrandizement and self-enrichment. What was a democracy in name became a plutocracy in fact. Even the age of Pericles,

¹ W. W. Willoughby, *The Political Theories of the Ancient World* (1903), p. 59.

with all its shining achievements in art, architecture, literature, and philosophy, was a time of declining civic virtue and growing laxity of individual honor. Pericles himself was a demagogue grown to the stature of statesmanship, and he maintained his power in Athens by methods not unrelated to those of the modern political boss.

In this milieu there arose in Athens about 430 B.C. a species of teachers who came to be known as Sophists. They were not a body of philosophers united by devotion to common principles and tenets, but were sharp fellows who made a good living by acting as private tutors in rhetoric, argumentation, eloquence, and other subjects of instruction. Although the Sophists had no common creed, they all reflected the cynical realism of the day. As Willoughby says, "they taught truth not for its own sake, but as a means to an end. Indeed they pretty nearly taught that there was nothing absolutely and universally true, that there were no principles abstractly valid, no canons of conduct everywhere and under all circumstances binding. They recognized no distinction between the idea of right and the formal laws in which it might find itself embodied. Because they saw these forms differing at different times and among different peoples they rejected the idea that there are abstract principles of justice which are everywhere valid. . . . Man, they said, is the measure of all things. . . . By man they meant mankind as distributively viewed, not as universally conceived. That is, according to their view each individual, with all his accidental and peculiar desires and characteristics, was qualified upon the basis of those desires and characteristics, to pass judgment upon what was right and wrong for him to do. . . . Instead of being instructed to see principles of natural or universal right embodied in the civil laws and customary morality of his country, the citizen was taught to discover only particular decrees which were in the main the product of the selfish desires of those who had originally issued or sanctioned them. . . . Holding such a position as this the Sophists were necessarily led to declare superior strength to be the sole basis for a legitimate exercise of power. For if there were no universal principles of justice to be enforced, and if self-interest were the sole actuating motive in human conduct, political right necessarily rested upon a simple basis of might." ¹

¹ *Op. cit.*, pp. 76-77.

Against the current of this baneful stream of political ideology Socrates set himself like a stubborn bastion. Born in Athens about 469 B.C., he was the son of a stonemason and a midwife, people of the working class. He was given the customary education of an Athenian youth and embarked on life as a sculptor, which in that day was as much a skilled trade as an artistic calling. He also served in the army in several campaigns and was a member of the government in minor capacities. As a sculptor he did not succeed too well and soon gave it up for teaching, his true forte.

At first he was regarded as a Sophist, and was in some respects akin to them. Unlike the Sophists, however, Socrates charged no fees, offered no course of study, and kowtowed to no man. Devoting himself to an unrelenting search for truth, he adopted a unique mode of procedure. Wandering about the city in company with a group of friends and disciples, upon whose bounty he probably depended for a living, he would encounter some one who could be drawn into a discussion. It was not difficult, for the streets of Athens served as a public forum and were thronged with men ready to discuss anything at any time. Socrates would then start grilling his opponent with questions and would continue until he had demonstrated that his opponent's position was untenable. The method was novel—often infuriating to opponents thus publicly unhorsed—and Socrates was an eccentric and striking figure. "With his enormously bald head, protruding eyes, flat nose, and thick lips, he resembled the satyr masks displayed in the shop windows at Athens; big-bodied and bandy-legged, he stalked like a pelican through the streets. But the pupil who looked beneath the satyr mask saw in the soul of the master images of fascinating beauty to remind him of the absolute perfection of God."¹ Such a man was bound to be a sensation, and the shrewish reputation of his wife, Xantippe, did not diminish the piquancy of public interest in this exotic figure.

Socrates left no writings; what we know of his thought comes from the writings of his pupils, notably Plato, Isocrates, and Xenophon. His method of reasoning was inductive and utterly irreverent. "With the frost of his tantalizing irony he nipped many a promising blossom of political omniscience."² He cared for nothing but facts and sound reasoning based on facts. Men, he taught,

¹ G. W. Botsford, *op. cit.*, p. 225.

² W. A. Dunning, *A History of Political Theories: Ancient and Mediaeval* (1902), p. 22.

must be guided exclusively by knowledge; true knowledge, which penetrates beneath the surface of things, disregards the motives and interests of passing periods and personalities, and arrives at truth that is universal and eternal. Like a true Greek, he believed that mankind was destined by nature for political society, but he could not believe that the prevailing system of government in Athens rested upon sound principles. The basic premise of Athenian democracy was that all citizens were equal and equally qualified to take part in government. Upon this, Socrates made unremitting war, contending that only those possessing the deepest wisdom and the highest virtue should be entrusted with the administration of government.

With such unorthodox doctrines and correspondingly monstrous ideas in the field of ethics and religion, he corrupted the youth of Athens. King Demos could not endure such a pestiferous gad-fly; so he must die. Anytus, the tanner, nursing a personal grievance, led a trumped-up prosecution against him. The verdict, a foregone conclusion from the beginning, was death by the cup of hemlock which subsequent ages have made a symbol of the fallacy of trying to exterminate ideas by killing the man who advocates them.

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CHAPTER IV

THE FIRST UTOPIAN

I

IN Plato Socrates lived again. Not in the sense that the pupil was an unvarying facsimile of the master; not even in the sense, as is often said, that Plato was the literary and philosophic executor of the great querist; but rather in the sense that the mind and soul of Plato so completely absorbed the thought and spirit of his teacher as to inspire his own soaring genius to create a sublimer Socrates than ever trod the bustling streets of Athens. The unrivalled protagonist whose matchless logic, flashing irony, and sovereign intellect dominate the writings of Plato was no mortal of flesh and bone, but an apotheosized Socrates, speaking not only what the actual Socrates might have spoken but also what the resplendent imagination of Plato would have him say. How much of what is ascribed to Socrates in the works of Plato is of genuine Socratic origin and how much is of Platonic invention, we cannot tell; but it is certain that the genius of Plato deserves no less credit than the influence of Socrates.

Superficially Plato was everything that Socrates was not. An aristocrat, claiming descent from the half-mythical Solon, first great lawgiver of Athens; a gentleman of leisure, pursuing no vocation, but winning such renown as an athlete and intellectual prodigy that his true name, Aristocles, was supplanted by the nickname "Plato," celebrating the breadth of his shoulders and the expanse of his brow; a traveled cosmopolite who visited and studied in many cities of Greece, Italy, and Egypt; a man of striking presence, if portraiture is to be believed, handsome as Apollo—that such a personage should fall under the spell of a hideous, deformed, impecunious day laborer posing as a philosopher is no less a superlative tribute to the intellect and personality of Socrates than to the inherent greatness of Plato himself.

Plato came under the tutelage of Socrates in early manhood. He was twenty-eight years of age when his master paid the ultimate penalty for freedom of thought and speech, and that anguishing event seems to have launched him fully upon his own lustrous

career as teacher, writer, publicist, and philosopher. He founded in Athens a school called the Academy, from the grove named Academicus, where it was the habit of Plato to meet his pupils. There he taught more or less regularly until his death at the age of eighty. No cloistered pedagogue, however, was this towering genius; he was also a man of affairs whose opinions were valued and whose advice was sought by persons in high places. Often during his long and busy life he was called in as a consultant and expert adviser to rulers and legislative bodies throughout the Greek world, and his prestige seems to have been so great as to have led him to believe he could secure somewhere the adoption of his plan for an ideal commonwealth. Two trips to Sicily are said to have been made for this express purpose, and on the second of these he was actually able, so tradition says, to persuade Dionysius II, the ruling tyrant, to give him a free hand in reorganizing the government of Syracuse, but failed of his purpose because his reforms were too drastic for a demagogic dictator, who must at all costs preserve his popularity.

The writings of Plato touch every phase of the thought of his time, and constitute an imposing compendium of Greek learning and culture. So thoroughly was Greek life identified with state life that few of the works of Plato, and of other Greek writers as well, wholly escape the infiltration of political thought, even when dealing with subjects remote from politics. But it is not necessary to scan all of Plato's works in order to get the gist of his political philosophy; this may be found in three treatises which deal primarily with political matters—the *Republic*, the *Statesman*, and the *Laws*.

In these three, as in most of his other writings, Plato employs his characteristic, one might almost say his personally copyrighted, dialogue style of treatment. Philosophical treatises are generally expected to be painfully systematic and so prosaically profound withal as to stagger the lay reader. Indeed, the learned doctors are much disposed to frown upon such wanton brothers of the craft as strive to popularize their writings by recourse to a limpid and fluent style. But here was a philosopher who wrote for the man in the street, in language he could understand, and in a form as lively and compelling as the gusty bouts of conversation which were a daily occurrence on the streets of Athens—a form adapted from the drama and possessing many of the same gripping qualities as the

comedies and tragedies which brought the multitudes trooping eagerly to the theaters. Discursive and unprecise Plato may sometimes be, but he is rarely dull or pedantic. The characters who appear in his dialogues, with the exception of those composed near the end of his life, are not mere dummies performing for a clever ventriloquist, but vital human beings whose conversation sparkles as though it had come from the animated pen of a novelist. Adeimantus, Glaucon, Thrasymachus, Appolodorus, Crito, Philebus, and their companions are just such people as one might have met in the Athens of Plato's day. Even the peerless Socrates refuses to turn into a verbose and tiresome paragon. Ranging over the whole empire of ideas, the *dramatis personae* of these enthralling dialogues, alighting first upon this and then upon that topic of current interest, carry their adventurous discourses through lush valleys of experience, across barren deserts of dogma, into deep forests of uncertainty, over perilous heights of theory, through raging torrents of controversy, striving ever to gain the elusive goal of perfect knowledge.

To the thrill of intellectual exploration is added the thrill of search for the ideal, which is Plato's method of arriving at truth. The ideal, in the Platonic sense, is not to be discovered by the simple process of choosing the most satisfactory of a number of existing alternatives, or by the even more simple process of permitting the imagination, expanded by the heat of emotion, to picture things as one might wish them to be. The Platonic ideal is the perfect idea, proved so by a ruthless process of comparison and criticism. It is the idea that withstands every test of knowledge, every test of speculation, every test of logic, and from this acid bath emerges untarnished. Such an idea, according to Plato, may be taken as unconditionally and universally true. Only absolute ideas (ideals) such as these should be used as bases for generalization, and upon such ideas alone should be laid the foundations of political thought and the principles of political action. The *Republic*, the *Statesman*, and the *Laws* are, therefore, simply the recorded conversations of groups of characters questing for ideas, and the political structures conceived by them are structures only in idea; but if the ideas of which they are made measure up to the standard of the ideal, they not only may become structures in reality but will be better structures than any men have ever made.

II

The *Republic*, says Benjamin Jowett, is the greatest of all the works of Plato, and is the center around which the other dialogues may be grouped. "Nowhere in Plato is there a deeper irony or a greater wealth of humor or imagery, or more dramatic power. Nor in any other of his writings is the attempt made to interweave life and speculation, or to connect politics with philosophy."¹ The dialogue opens with Socrates as narrator recounting the events and discussions of the previous day, when he went down to the Piraeus (the port of Athens) along with Glaucon to witness a festival there. Turning their steps homeward after the procession, they are overtaken by Polemarchus, son of Cephalus, who insistently urges them to come to his father's house and stay the day, at the close of which will come the night celebration, including a torch race and other events worth seeing. Meanwhile there will be rest, food, and a chance for a good talk. The invitation being accepted, Socrates and Glaucon accompany Polemarchus to the home of Cephalus where, in addition to the members of the family, they find a number of guests.

Immediately the verbal tilting begins. Questioned by Socrates as to the compensations of old age, the venerable Cephalus quotes a line of Pindar saying that "Hope cherishes the soul of him who lives in justice and holiness . . .," and declares that the peace of mind resulting from having had enough wealth to escape all temptation to do wrong to others is the greatest comfort of his declining years.

"Well said, Cephalus," interposes Socrates; "but as concerning justice, what is it?—to speak the truth and pay your debts—no more than this?"

Here is a bone for rapacious minds to tussle over. What is justice? Socrates avers that speaking the truth and paying your debts is not a correct definition of justice, and the other colloquists are disposed to argue the point. The youthful Polemarchus, inheriting the argument from Cephalus, who retires to look after the sacrifices, is first to challenge the position of Socrates, and is quickly put to rout. Then Thrasymachus, "the personification of the Sophists, according to Plato's conception of them,"² breaks into the argument with

¹ B. Jowett, *The Dialogues of Plato* (4 vols., 1902), Vol. ii, p. xvii.

² *Ibid.*, p. xxvii.

a roaring accusation that Socrates is merely juggling with words. "This sort of nonsense will not do for me," he shouts, "I must have clearness and accuracy."¹ Socrates meets the charge meekly and courteously, but deftly proceeds to impale the blusterer on the spit of his own faulty logic and turn him over and over until he is ruinously charred by the scorching flame of dialectic. The brothers Glaucon and Adeimantus then enter the fray and are successively made to run the gauntlet of merciless and devastating interrogation.

Hour upon hour the heady discourse runs on, spinning out the entire day. Does justice consist merely in giving to every man his own? No; for that would often be to give a man the means of doing harm to himself and others. Does it consist in giving to each man what he deserves—to the good man, good; to the evil man, evil? No; for that would mean that it might be just to do evil; and a good man is not just if he does evil at all. Does it consist in giving to each man his rights under the law? No; for the laws do not bear equally upon all, and those who rule the state and make the laws often consider only their own selfish advantage. The doing of such things may give the appearance of justice, for justice as actually administered is a mean between the best and the worst—a middle course which men pursue because they are either too weak to obtain justice or not strong enough to do injustice at will. True justice cannot be of such quality; it must be of such nature that the just man will be happier in poverty and defeat than the unjust man in riches and honor.

How can we see into the nature of true justice? By looking at the state, says Socrates, much more readily than by looking at the individual, for (as all Greeks were ready to agree) the state is merely a magnification of the individual. Therefore, suggests Socrates, "if we imagine the State in process of creation also; and when the State is completed there may be hope that the object of our search will be more easily discovered." Thus Plato has Socrates embark upon the task of constructing in idea a commonwealth in which true justice shall prevail.

But this ideal state is to be more than imaginary; it is to be a state which not only *should* but *could* be. The true creator of states is necessity; therefore the philosopher will follow necessities in the fabrication of his ideal state arrangements. The primary necessities

¹ *Ibid.*, p. 12.

are food, clothing, and shelter. These are better supplied by specialized labor than by each person's trying to follow many occupations. Hence the state, even in its most elementary form, should have husbandmen, weavers, shoemakers, builders, and other artisans to provide the basic necessities. Exchange of goods is a necessity that follows very closely upon the heels of specialized productions; and this requires tradesmen and merchants, and also seamen if trade be carried overseas. Common laborers would also be required for tasks requiring great strength. With these needful members to satisfy all the basic necessities, the state existing in Arcadian simplicity should be a complete and healthy organism.

Actual states, however, are not like that. The simple life does not long endure. When their necessities are well supplied, the people discover new wants. Plain food is not enough; they must flatter the palate with gastronomic delights. Plain clothing will not do; they must bedeck themselves with finery and ornaments. Plain houses do not satisfy; they must abound in luxury and be filled with superfluous effects. Plain, homely diversions are scorned; they must gratify the senses with every conceivable indulgence. So the state develops into an aggregation of people with a passion for unlimited acquisition. A large part of its population is made up of persons not essential to its existence—artisans, traders, servants, prostitutes, actors, artists, and others who thrive upon the insatiable appetite of the community for an ever-mounting quality of basically useless articles and services. Soon the territory which formerly sufficed to support the state becomes too small; it covets a slice of its neighbor's territory, and its neighbor returns the compliment with interest. "Then, without determining as yet whether war does good or harm, thus much we may affirm, that we now have discovered war to be derived from causes which are also the causes of all the evils in States, private as well as public."¹

Even though the state may escape the mania for possession and the consequent urge to expansion, may preserve its original condition of healthy simplicity, it cannot escape the danger of war. It will be surrounded by aggressive neighbors, and must be prepared to defend itself against attack. Therefore the healthy state will have need of soldiers; but they should be as different from ordinary soldiers as the skilled shoemaker is from the farmer who cobbles his

¹ *Ibid.*, p. 53.

own footwear. These ideal soldiers must be a class apart—guardians of the state—specially trained for their task and of the very highest physical and mental fitness.

In this class of guardians Plato finds his solution of the problem of political authority. The guardians are to be supermen in physique, mind, and character, and to the most capable of them are to be entrusted the command of the army and the leadership of the state. In early youth they will be chosen, says the architect of this first Utopia, and by the same rigorous process of scientific selection that men have shown to be practicable in picking animals to be trained for special uses. First they choose animals that are well bred in view of the purpose in mind, and then by a careful process of observation and experiment they weed out those appearing to lack the special qualities desired. In the same way the guardians of the state must be selected.

Then comes the most important thing of all—the education of the guardians. They must be healthy, strong, fearless, fierce to the foe and yet gentle to the citizens and to one another, true and trustworthy, utterly unselfish and incorruptible, self-controlled at all times, clear-headed, wise, and above all moderate in their indulgence in the joys of food, drink, and love. Even with the best of raw material, can education produce such paragons as these specifications call for? Yes, answers Plato, human nature is infinitely plastic and infinitely capable. By physical education you can strengthen the body, steel the courage, and quicken the sword; by mental education you can expand knowledge and deepen wisdom; by moral education you can engender self-control, moderation, and altruism.

The details of Plato's audacious program of education occupy most of the second and third books of the *Republic*, and are fascinatingly modern in many respects. He would rigidly censor the instruction of guardians from early childhood, permitting them to come into contact with no influences detrimental to the ends sought in their education. Nurses and parents would be forbidden to tell them tales which might teach wrong morals or create psychological twists; everything of baneful tendency would be eliminated from their reading; religious instruction would omit all mention of hell (for these guardians must not fear death) and would teach of gods loving righteousness and rewarding good deeds; gymnastics would

perfect the body, and military training would teach the art of war; carefully planned and rigidly enforced dietaries would maintain their health and instill habits of temperance; and finally philosophy, the queen of sciences, would enlarge their knowledge and ennoble their minds.

So far, so good; but would these guardians continue to be the noble and unselfish protectors and rulers that their education had designed them to be? Would they not, as watchdogs sometimes do, turn upon the sheep and behave like wolves? This, thinks the master of the discourse, would depend upon their manner of life as well as upon their education:

“Then now let us consider what will be their way of life, if they are to realize our idea of them. In the first place, none of them should have any property of his own beyond what is absolutely necessary; neither should they have a private house or store closed against anyone who has a mind to enter; their provisions should be only such as are required by trained warriors, who are men of temperance and courage; they should agree to receive from the citizens a fixed rate of pay, enough to meet the expenses of the year and no more; and they will go to mess and live together like soldiers in a camp. Gold and silver we will tell them they have from God; the diviner metal is within them, and they have therefore no need of the dross which is current among men, and ought not to pollute the divine by any such earthly admixture; for that commoner metal has been the source of many unholy deeds, but their own is undefiled. And they alone of all the citizens may not touch or handle silver or gold, or be under the same roof with them, or wear them, or drink from them. And this will be their salvation, and they will be the saviors of the State. But should they ever acquire homes or lands or moneys of their own, they will become good housekeepers and husbandmen instead of guardians; enemies, and tyrants of instead of allies of the other citizens; hating and being hated, plotting and being plotted against, they will pass their whole life in much greater terror of internal than of external enemies, and the hour of ruin both to themselves and to the rest of the State, will be at hand.”¹

Adeimantus, however, is unconvinced. Other men, he argues, may acquire lands, build fine houses, and enjoy the comforts and luxuries of life, but the guardians must be content with privation and penury. Yet they are the possessors of all power and authority, and hence the authors of the riches of others and of their own misery. Will they not realize this and refuse to endure it?

¹ *Ibid.*, pp. 103–104.

Ah, but you miss the point, Adeimantus. These guardians will not find their happiness in the same things as other men. They are of a different order. Their happiness will come from the satisfaction of being guardians—a function they will delight to perform, the rôle they have been bred and trained for, the only life they know. If they could find happiness in the things that delight other men, they would not be guardians any more than husbandmen, potters, and cobblers would be what they are if they could find pleasure in the guardian's way of life. [Our guardians very likely will be the happiest of men, because they will have the happiness that nature assigns to them as custodians of the happiness of all.] We must not conceive for our guardians a sort of happiness that would make them anything but guardians, or for other men a sort of happiness that would make them anything but what they are. "Our aim in founding the State was not the disproportionate happiness of any one class, but the greatest happiness of the whole."¹

To each according to what nature has fitted him to be and to have—is that to be Plato's definition of justice? Just when the discussion appears to be skirting the borders of conclusive definition, Polemarchus and Adeimantus are seen to put their heads together in whispered conference, whereupon the latter turns to Socrates and demands that he amplify in one particular his proposal that among the guardians all things shall be in common. What about women and children? he inquires. The Master demurs; the discourse should have a limit, he suggests.

"Yes, Socrates, said Glaucon, and the whole of life is the only limit which wise men assign to the hearing of such discourses. But never mind about us; take heart yourself and answer the question in your own way: What sort of community of women and children is this which is to prevail among our guardians? and how shall we manage the period between birth and education, which seems to require the greatest care. Tell us how these things will be.

"Yes, my simple friend, but the answer is the reverse of easy; many more doubts arise about this than about our previous conclusions. For the practicability of what is said may be doubted; and looked at in another point of view, whether the scheme, if ever so practicable, would be for the best, is also doubtful. Hence I feel a reluctance to approach the subject, lest our aspiration, my dear friend, should turn out to be a dream only."²

¹ *Ibid.*, p. 106.

² *Ibid.*, pp. 138–139.

The hesitation of Socrates only whets the desire of the auditors to have him discuss this delicate subject, and they refuse to let him off. Very well then, he will take them back to the starting point of the discussion. The guardians are to function as watch-dogs of the herd; that was agreed, was it not? Do we separate dogs along lines of sex in the work of hunting and herding? No; they all share alike in the work, and must have the same breeding, feeding, and training. So it must be among our guardians, if women are to have the same duties as men, which of course, they must if the guardian class be perpetuated. Only in the begetting and bearing of children is there any radical difference between male and female, and this does not prove that the nature of woman is such that she should have a radically different life. Women are like men in their aptitudes and abilities, and they vary as men vary. One woman is pugnacious, another is not; one is athletic, another not; one is musical, another not; one is maternal, another not; one has the gift of healing, another not; one is philosophical, another not; and one may have the temper of a guardian, and another not.

The problem is to select women of suitable temperament and ability for guardians, give them the right kind of education, and then mate them with the male guardians; for the secret of success in state-building is to develop ever better citizens who shall procreate still more excellent descendants. To this end, wives and children among the guardians will be in common; but this does not imply promiscuity. Matrimony will be a sacred thing—even more so than now—but it will be different. In order to encourage matings between those best fitted to produce children of the desired quality the rulers will arrange periodic festivals for hymeneal purposes, and will authorize on each of these occasions such a number of matings as may be necessary to keep the population of the state at just the right figure. These acts of coition will be sanctified by impressive and holy ceremonies designed to emphasize the noble purpose of the union and to eliminate all elements of lust and obscenity. To insure the frequent mating of the very best of both sexes and also to serve as an incentive to superior achievement, arrangements will be made to allow those of the highest quality and the best records to engage more often in the ceremonies of cohabitation than those of lesser merit. What more powerful urge to excellence could the ingenuity of man devise?

The offspring of these matings are not to be deemed the children of the couple who are their biological parents, but the children of the state. At birth children will be taken to a nursery and cared for in common by the nurses and mothers of the state. All persons who mated between the seventh and tenth months before a child was born will be its parents. Thus no parents will lavish affection upon one child to the exclusion of others, but will love all children as their own; and instead of being concerned only for the welfare of those of their own blood, will strive for the happiness and welfare of all. The guardians of the state then will come to be one great family in which each will regard all others as kinfolk, and will say of every individual, "It is well with my own," or, "It is ill with my own." United in common joys and common sorrows, such a thing as selfish devotion to private, personal, and family interests would be unknown in this exalted body of citizens.

Important above all things is the welfare of the children. When committed to the nurture and education of their biological parents, children do not fare equally well. Some parents are proficient in the rearing of children, and some are quite the opposite; some love their children too much to train them properly, and others too little; some have the means to do well by their children, and others do not. In the ideal state children of the guardian class will be emancipated from all parental handicaps. Loved and cherished by all parents, they will nevertheless be nurtured and educated by none. They are children of the state, and the state will see to their upbringing; will provide equal advantages for all, and will employ the most skilled and experienced nurses and the most competent teachers to mould them into future citizens.

"Is such an order of things possible?" Glaucon inquires, "and how, if at all?"

"Until philosophers are kings," answers Socrates, "or the kings and princes of this world have the spirit and power of philosophy, and political greatness and wisdom meet in one, and those common natures who pursue either to the exclusion of the other are compelled to stand aside, cities will never have rest from their evils—no, nor the human race, as I believe; and then only will this our State have a possibility of life and behold the light of day. Such was the thought, my dear Glaucon, which I would fain have uttered if it had not seemed too extravagant; for to be convinced that in no

other State can there be happiness private or public is indeed a hard thing.”¹

Now we are sure the man must be a visionary theorist; for who but a dreamer would propose to entrust the government of the state to philosophers—those impractical pretenders to wisdom whom the public regards with contemptuous amusement? But hold a moment. Not to the philosophers who *are* but to the philosophers who *ought to be* would Plato entrust the guidance of the state. Such men are rare, and most generally are spoiled in youth by faulty education, and particularly by that most corrupting of all educators, public opinion. The true philosopher is a lover of wisdom and not of opinion; is above all pettiness, avarice, vanity, envy, and hatefulness; fears not death, but counts his own life as naught; is generous, friendly, agreeable, just; worships beauty in all its forms, and practices moderation. When qualified by age and training, this man should be our super-statesman. Unfortunately, he tells us, at present men do not dedicate themselves to philosophy according to the measure of their endowments and remain true to it; they are swayed by false ideas of success, and seek to win the applause of the multitude. If any man becomes a philosopher now it is in spite of and not because of our social system. Only the children offer a hope of better things. If they could be separated from adults, given a wholly new point of view, and educated in the principles of true wisdom, it might be possible to inaugurate an ideal state with a perfect constitution and with community of women, children, and property.

Would such a state, once established, endure forever? It might, says Socrates, if the guardians could learn and apply to the utmost the principles of genetics and education; but so long as these things are not fully understood or properly employed, there is a probability that the ideal state would gradually degenerate into such forms of government as now exist.

These may be classified as timocracy, oligarchy, democracy, and tyranny. The first step downward from the ideal state would come with the abandonment of communism and the establishment of private property. The guardians, becoming mercenary, would appropriate the land, divide it among themselves, and reduce to servitude the former freemen. The chief concern of the guardians

¹ *Ibid.*, p. 168.

would be war, and the government would be in the hands of a warrior class of landed gentry. Such is timocracy, of which Sparta is the best example.

Timocracy gradually transforms itself into oligarchy. Wealth accumulates and men decay. Riches come to be concentrated in the hands of a few great families or individuals, and eventually they seize control of the state. At first they have easy going, but in the long run the passion for possession proves to be their downfall. The rich become ever richer and fewer and the poor ever poorer and more numerous. Finally comes a time when the condition of the poor is so desperate and their hate of the plutocrats so bitter that any little spark will kindle a revolution. Thus the oligarchs are overthrown and the rule of the people—a democracy—proclaimed.

Every one now hails the advent of a golden age of liberty and equality; but the weaknesses of democracy soon become apparent. The people are not capable of self-government. Freedom degenerates into laxity and lawlessness, while equality levels the good and the competent to the same rank as the evil and the incompetent. The common people select the rulers and decide all issues at election; the only way to rise to power is to flatter and beguile the people. For such humbuggery a class of charlatans called politicians have a special talent, and they accordingly become the rulers of the state, exploiting the people while pretending to serve them. After a while one trickster excels all the rest, and becomes the special darling of the people. He promises everything—remission of debts, confiscation of wealth, distribution of land, and anything else to play on the cupidity of the people. The people trust him, exalt him, pour authority upon him, give him the janizaries he asks to trample down opposition; and, lo, he flowers into a tyrant, a dictator bent on plunder and personal aggrandizement. Democracy now gives way to tyranny. Liberty vanishes and equality is forgotten. The state is enslaved by a despot who can be dislodged only by bloodshed and violence. There is no happiness, no justice.

III

The *Statesman* and the *Laws* may be dealt with more briefly. They are works of Plato's later years, after he had suffered personal disillusionment through the failure of his attempts to inaugurate the aristocracy of his dreams under the patronage of Dionysius II of

Syracuse, and after he had witnessed the completion of the cycle of political degeneration in Athens. Disillusionment coupled with advancing years may have chilled his poetic enthusiasm and venomed the barbs of his irony, but they did not impair the clarity of his vision or shake his loyalty to the ideal. He still seeks the City of Light, hoping, if not believing, that philosophers may be kings and kings philosophers.

In the *Statesman* we find Theodorus, Socrates, the Eleatic Stranger, and Young Socrates discoursing on the qualities necessary for a perfect ruler. The search for these qualities carries the discourse through a review of the ideals set forth in the *Republic*, but is not content to stop there. A still more ideal conception of the state is found in the type of government which, as the Eleatic Stranger explains, existed in a former cycle of history when God ruled over men and cared for them. For some reason incomprehensible to men this cycle of life came to an end, and men came to accept the types of government now found in the world. Some of these are superior to others; monarchy and aristocracy rank ahead of democracy, and democracy ahead of oligarchy and tyranny. "But are any of these governments worthy of the name? Is not government a science, and are we to suppose that scientific government is secured by the rulers being many or few, rich or poor, or by the rule being compulsory or voluntary?"¹

True political science can be achieved only under a ruler who will not require instruction or restriction by law. He will be learned, wise, impartial, upright, diligent, fully competent, and masterful—a veritable prototype of the Divine Ruler of the previous time when men lived like gods. Present forms of government exist because "men despair of the true king ever appearing among them; if he were to appear they would joyfully hand over to him the reins of government." With the coming of such a king there would be a rebirth of that former Elysian state of human society, and the present imperfect forms of government would be swept away. So ran the Messianic dream of the Greek philosopher four centuries before the Galilean Christ began to teach of the coming of the Kingdom of Heaven.

In the *Laws*, Socrates, who plays but a minor rôle in the *Statesman*, disappears entirely. As his work became more expository and

¹ B. Jowett, *The Dialogues of Plato* (4 vols., 1902), Vol. iii, p. 525.

dogmatic, Plato seems to have felt that the character and method of Socrates were inappropriate, though he retained the dialogue form as his vehicle. The colloquists in the *Laws* are three—an Athenian Stranger, Cleinias, a Cretan, and Megillus, a Lacedaemonian. The scene is laid in Crete, and the three speakers are companions on a long walk from Cnossus to the cave and temple of Zeus, who is supposed by the Cretans to have been the author of their laws. In Lacedaemon, Apollo is assumed to have been the giver of the laws. The Athenian Stranger is curious about these beliefs and questions his companions concerning them. This serves to launch the trio upon a prolix and tedious dialogue in which the Athenian plays the part of protagonist and expositor.

The general purpose of Plato in this dialogue is to construct a system of laws for a complete polity. Tradition has it that this treatise was not published until after Plato's death, and the disjointed and uneven character of the work lend credence to the supposition that it was left in an unfinished state. "In a tedious way specific laws are laid down for the regulation of the most trivial of human actions and interests. Unfortunately, moreover, these legislative minutiae are given in no coherent order, and are without any very evident attempt to apportion the amount of discussion according to their relative degrees of importance. Particular laws are taken up at random, apparently as they happen to occur to the mind; sometimes they are preceded by elaborate introductions, but at other times, and more often, are brought up and dismissed without comment."¹

Most interesting, however, is the retreat from communism which appears in this final work of Plato—not a full retreat, but a new economic policy which strangely parallels a similar compromise with reality in the thinking of certain modern exponents of communism. Instead of the complete community of property demanded in the *Republic*, Plato now proposes an equal division of land with safeguards to prevent the concentration of ownership. Each landholder would hold his allotment subject to the superior title of the state, could not alienate it, and would be obliged to use it under governmental regulation for the benefit of society as a whole. Inheritance would be strictly regulated to forestall the building up of large estates; the use of money would be forbidden; and the charging of interest would be made illegal.

¹ W. W. Willoughby, *The Political Theories of the Ancient World*, p. 121.

Community of wives and children is also abandoned in the *Laws*. Marriage is to be permitted, but under stringent state control and supervision. Every married couple would be placed under the superintendence of a state official with power to observe and regulate their conduct. The first ten years of married life would be consecrated to the bearing of children for the state; after that, state supervision of marriage would cease. Children up to the seventh year would remain with their parents, but at the age of seven would be given over to the state for much the same sort of education as is prescribed in the *Republic*. Women would still receive the same education as men and take an equal part in public affairs, but would not be entirely released from domestic duties, as proposed in the *Republic*.

Two classes of citizens are provided for—freemen, who would be forbidden to engage in any trade or industry, and industrial workers, who would carry on the strictly economic operations of community life. The freemen, corresponding with the guardian class in the *Republic*, would devote themselves wholly to public affairs, while the industrialists would produce and distribute the material necessities of life. All commodities produced by the land would be apportioned among the citizens by the state, and no buying or selling for profit would be permitted.

Abandoning the idealistic aristocracy of the *Republic*, Plato recommends in the *Laws* the establishment of a popular assembly and an executive council chosen by popular vote, but with provisions which would give the upper hand to the wealthier classes. An elected body of thirty-seven citizens between the ages of fifty and seventy would have general supervision of the laws and would classify the citizens according to their wealth. There would also be a supreme tribunal of censorship. To make up this tribunal the ten oldest members of the board of thirty-seven would each choose a younger man to be associated with them, and these twenty would review all legislative measures and see that nothing should be done to change the fundamental character of the state.

IV

What can a present-day commentator add to the superlatives which two dozen centuries have piled up as a cenotaph to the memory of Plato? Simply to recognize that after a lapse of time

which has rubbed out the achievements of unnumbered hosts of men who have won wars, builded empires, amassed fabulous fortunes, invented amazing machines, written books of vast acclaim, and done other deeds of high renown, the ideas of the prodigious Principal of the first Academy still hold sway over the minds of men, is greater praise than any lavish outpouring of adjectives could bestow. There was much in Plato of the ephemeral and the provincial, but the midrib of his political philosophy was timeless and universal. As a Greek of the post-Periclean period he was an anti-expansionist, a disbeliever in democracy, a condoner of slavery, a foe of commercialism, and an admirer of Lacedaemonian militarism; but as an analyst of social and political institutions and a seeker of the ideal he was the forerunner and inspirer of most of the anti-materialistic political philosophies, reconstructive political theories, and radical political programs which have appeared in subsequent ages.

Something of Plato is to be seen in all the utopias, and many of the authors of imaginary commonwealths are scarcely more than second-rate imitators of the great Athenian. Nearly all melioristic thought, especially that favoring education and eugenics as the most practicable modes of bettering human society, reaches back to Plato. Milton, Locke, Rousseau, Goethe, and other great apostles of social idealism have drawn heavily upon him. His mordant analysis of the fatal tendencies of free enterprise in an acquisitive society has been echoed again and again in the history of western civilization. Our own day, wrestling with difficulties said to result from economic disbalance, a polite name for unrestrained profiteering, is hearing afresh the ancient doctrines of Plato, and is beginning to doubt, as he doubted, whether it is possible to give free rein to men's passion for material possessions and material power without destroying, sooner or later, the common weal.

Virtually all socialistic and communistic thought has its roots in Plato. Were he alive to-day Plato would be the reddest of Reds, and would no doubt hasten to Russia with the same expectant enthusiasm he displayed in answering the call of the ancient tyrant of Syracuse. For, as Professor Jászi points out, "the ideal State of Plato and that of the Russian Communists have many elements in common; both regard private property as the sole source of all evil;

both would eliminate wealth and poverty; both favor a collective education of the children, exempted from paternal care; both regard art and literature only as a means of State education; both would control all science and ideology in the interest of the State; both have a rigid central dogma, a kind of State religion to which all individual and social activity must be subordinated. And if one would object that this analogy is unjustified regarding the spiritual idealism of Plato and the matter-of-fact materialism and violence of the Communists, I would answer that Plato had no doubt whatever that this scheme would have been capable of realization only under the protection and violence of armed force; that is the reason why his political vision of the ideal State was intimately connected with the expectation of a tyrant— a type of philosophical superman—who would give body to his idea.”¹

Such comparisons can be carried too far, but Professor Jászi is on safe ground in noting that the Russian experiment embodies several of Plato's favorite political ideas. He might in fact have gone farther and shown that there is no essential incompatibility between the historical materialism of Marx and Lenin and the idealism of Plato. There was nothing abstruse and other-worldly about Plato's idealism; it rested on truly materialistic foundations. Since Plato's time idealism has come to be a synonym for purely abstract thinking. In that sense Plato was no idealist at all. The ideal for Plato was the idea that every test of reason and experience had proved valid. In modern terminology it might be said that he was an “ideaist” rather than an idealist. And there was no dream-stuff in his method of checking the soundness of ideas. He went directly to the material world and demanded conformity with concrete facts. The ideal represented what he conceived to be the best that was concretely possible for the kind of men who inhabited the world as it was.

Plato did, of course, propose to modify human nature, but only within the limits of concrete reality as indicated by experience with genetics and education. His super-citizens and super-rulers were not superhuman; they were men selected, bred, trained, and envired for particular social functions. Plato's analysis of the factors in the growth and decline of states and their cycles of change reveals a genuine appreciation of the materialistic forces of historical

¹ K. F. Geiser and O. Jászi, *Political Philosophy from Plato to Jeremy Bentham* (1927), p. 4.

causation. Like Marx and Lenin, he proposed to work with history and not against it. His Republic was such a state as history itself would produce did men have the wisdom and courage to apply the teachings of reason to human affairs.

Communist Russia will neither prove nor disprove the correctness of Plato's political theory. It departs from Plato in too many important respects to justify any such broad conclusions. Notwithstanding this, there is enough of Plato in the Soviet system to evoke profound reflection on the deathless might of vital political ideas.

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CHAPTER V
THE FIRST POLITICAL SCIENTIST

I

EVERY one, said the poet Coleridge, is born either a Platonist or an Aristotelian; which might be supplemented by the almost equally true observation that every one may be at one time a Platonist and at another an Aristotelian. So universal are the qualities of these two giants of Greek philosophy, and so perfectly do they typify our characteristic modes of reasoning, that the average person, who cares very little for the niceties of dialectic, may, and often does, shift his mental gears from the Platonic high to the Aristotelian low, and *vice versa*, without knowing it. Yet Coleridge was right in the main. The average person is born with, or very early in life acquires, certain traits of mind which predispose him on the whole to incline either to the general-to-particular reasoning process of Plato or the particular-to-general process of Aristotle.

That Plato, the teacher, and Aristotle, the pupil, should represent such polar opposites of intellectual method is in some ways more remarkable than the affinity between Socrates, the teacher, and Plato, the pupil.

Aristotle was not a native Athenian, though much of his life was spent in the Attic metropolis. He was born (384 B.C.) in the Thracian city of Stagira, where his father, Nichomachus, was physician to the king of Macedon. The boy studied medicine under his father and other physicians, and upon the death of the father in 366 B.C. he went to Athens and enrolled under Plato in the Academy. The young Stagirite seems to have made a deep impression upon the sixty-two-year-old master of the Academy, who is said to have called Aristotle the intellect of his school and to have remarked somewhat ruefully that this indocile pupil spurned him as colts do their mothers. However that may have been, the relations between the two men were always cordial, and Aristotle always respected and honored Plato, even when adversely criticizing his doctrines. For twenty years he remained a member of Plato's circle, and seems to have expected, upon the death of Plato in 347 B.C., to succeed to the headship of the Academy.

When this position went to Speusippus, the nephew of Plato, Aristotle repaired to the court of Hermias, tyrant of Atarneus, where he served as court physician and tutor, and married, so it seems, the sister or niece of the ruler. In 342 B.C. Hermias was overthrown by a revolution and killed, and Aristotle lost his job. Very soon, however, he was summoned to the court of Philip, king of Macedon, to be tutor to the crown prince, Alexander, then thirteen years of age. There he remained until 336 B.C., when he returned to Athens and founded a school of his own called the Lyceum. This school he conducted for twelve years, during which time he had the favor and backing of Alexander and the Macedonian court, but encountered much hostility among Athenians, who looked upon their Macedonian masters as alien oppressors. The death of Alexander led to anti-Macedonian riots in Athens, and Aristotle was obliged to flee the city. He took refuge in the city of Chalcis in Euboea, where he died in the year 322 B.C.

Countless admirers have acclaimed Aristotle as "The Master of Them That Know," and have ascribed to him the most profound and encyclopaedic mind of all antiquity. Such fulsome praise may have been unduly extravagant, but the fact remains that few men have spoken authoritatively on so many different subjects, and none, perhaps, has ever approached the solitary eminence of the Stagiritic as a court of final appeal in things intellectual. For centuries Aristotle on logic, Aristotle on mechanics, Aristotle on physics, Aristotle on physiology, Aristotle on astronomy, Aristotle on metaphysics, Aristotle on ethics, Aristotle on art, Aristotle on poetry, Aristotle on economics, and Aristotle on politics was almost the last word—the unimpeachable authority than which none was more authentic. His information was so much vaster and more exhaustive, his insight so much more penetrating, his deductions so much more plausible than was true of any of his contemporaries or any of his successors prior to the advent of modern science that he became the all-knowing master in whom the scholastic mind could find no fault.

Though many of the writings of Aristotle have been lost, those which have been recovered disclose a mind of prodigious erudition and amazing versatility. Of the products of his pen there is record of six treatises on various phases of logic, twenty-six on different subjects in the field of natural science, four on ethics and morals,

three on art and poetry, one each on metaphysics, economics, history, and politics, and four or more on miscellaneous subjects. His learning ranged the entire gamut of Greek civilization, and he was master of every subject he treated. Our concern is solely with the treatise on politics, which some commentators have declared to be his masterpiece. Whether this be true or not, it clearly entitles him to be recognized as the father of political science.

II

The easy approach to the method of Aristotle is through its divergence from that of Plato. The latter, as we have seen, proceeded upon the assumption that ultimate reality is to be found in the ideal. To him the things men called real were merely imperfect reflections of faultless ideas—ideas which the human mind, by correct reasoning, could achieve and comprehend, and from which by logical deduction it could arrive at conclusions of a truly realistic character. This is sometimes termed the philosophy of universal forms. Aristotle's thought was based on the contrary assumption that reality is not to be found in perfect ideas as such. Everything we know, experience, and perceive, said Aristotle, has its own essential substance or reality. By numerous and careful observations and comparisons of things as they are he thought it possible to get at their inward reality, and thus from many revealing facts to draw general conclusions. This is sometimes called the philosophy of individual substances.

When Aristotle came under the tutelage of Plato, he already had the training of a physician and had formed the physician's habit of basing conclusions upon repeated observations of objective phenomena, and by bitter experience, no doubt, had learned the wisdom of limiting his generalizations to the ambit of his facts. From the same background of early training and experience he had also acquired an insatiable intellectual curiosity and with it an overpowering avidity for the accumulation of factual material. Plato he found teaching that truth was to be found not in concrete and particular things but in general ideas, not in the actual but the ideal—searching for absolute beauty beyond all beautiful things, absolute good beyond all good things, absolute civic virtue beyond all civic excellence. As he went along in the Academy, Aristotle no doubt perceived many discrepancies between Plato's doctrines

and observed facts, and was impelled thereupon to evolve his own system of thought. He did not wholly repudiate Plato, but parted company with him on the point that what we see and experience is unreal. Every material thing or experience, he held, is a part or an expression of reality, and this reality may be discovered by the scientific method of observation, comparison, and conclusion.

These differences in point of view and method of thought deprive the political philosophy of Aristotle of the attractive literary qualities which constitute so large a part of the charm of Plato. Where Plato lets his imagination take flight, Aristotle is factual and dull; where Plato is eloquent, Aristotle is exact; where Plato leaps from general concepts to logical conclusions, Aristotle slowly works from a multitude of facts to conclusions that are logical but not final; where Plato gives us an ideal commonwealth that is the best his mind can conceive, Aristotle gives us the material requisites out of which, by adapting them to circumstances, a model state may be constructed. Like Plato, Aristotle views the state as a natural product of the necessary social relations of human beings, and with Plato he agrees that the function of the state is to secure for men the good life, not only in material ways but in aesthetic and ethical ways as well; but he is completely and aggressively at variance with Plato in respect to the control of the state over the individual. He had no high-flown notions about sacred and inalienable private rights—that idea was foreign to Greek thought—but he believed that the individual could not live the best life of which he was capable if he were as completely assimilated to the state as Plato would have him.

For use of the scientific method in his studies Aristotle probably had ampler facilities and more extensive resources than any man of his time or any time prior to the past century. At the court of Macedonia, where he grew to manhood and received his early education, his father was a prominent and powerful personage. Everything that money and power could provide in the way of teachers, books, and other means of study were available to the young medical student. During his years in Athens as a pupil in the Academy Aristotle is said to have practiced as a physician; but, as he apparently was a man of means, this must have been a scholarly avocation as much as a vocation. His position at the court of Hermias was different from that of the ordinary physician

or tutor; he was by this time a famous scholar, a man of sufficient eminence to marry into the ruling family, and there is no doubt that he served as a sort of consulting expert to the tyrant. Here again, to aid him in the prosecution of his studies, he had at his beck and call all the resources of his government. Going from this post to that of tutor to Alexander was like stepping up from the court of one of the Balkan countries to that of one of the great powers of the world. Macedonia was at this moment the greatest and most powerful of Greek states and just upon the threshold of a world empire. Every aid to scholarship and research that all-powerful political authority could command was placed at his disposal and was continued by Alexander when he came to the throne. Returning to Athens to open his school, he was in the exceptional position of having the personal friendship and patronage of the most powerful monarch on earth, and for twelve years this relationship continued.

That Aristotle did not neglect these incomparable opportunities is amply evident from his writings. On their very face they bear proof of the fact that behind them lay an accumulation of fact-material such as the world had never seen and was not to see again for many centuries. As a basis for the *Politics* he collected and digested 158 Greek constitutions, it being his belief that by analytical and comparative study of concrete political experience it should be possible to arrive at sound conclusions as to the most appropriate form of constitution for any given type of political society. The result was a treatise bristling with citations and replete with illustrative detail; not very readable, but so impressively authentic that it stands to-day, as it has through all the intervening centuries, as a masterpiece of political science.

III

The *Politics* was intended to serve a very practical purpose. Scores of Greek colonies had been planted throughout the Mediterranean area. These were organized as city commonwealths under the supervision and patronage of the mother state, but had their own constitutions and enjoyed well nigh autonomous government. These and the parent states as well were frequently engaged in the business of making and remaking their constitutions—as frequently in fact as American cities adopt new charters and American states

new constitutions. Somewhere in the Greek world the framing and revising of constitutions was going on all the time, just as somewhere in the United States to-day the drafting of city charters and state constitutions is constantly taking place. It was also a common practice then as now to call in outside experts to assist with the obstetric mysteries of ushering in the new dispensation, and as a consequence there came to be a numerous guild of consulting publicists offering themselves for hire as legislators or constitution-makers. Aristotle mentions a number of these by name in the *Politics*, and there is no doubt that he and his associates in the Lyceum were also brothers of the craft, as a sideline to education.

It was for the practitioners of this profession that the *Politics* was written. It is best appreciated when one studies it topically, bringing together under a common head all of the comments touching the same subject. The treatise opens with a consideration of the origin of the state and the nature of political society. Although he did not have the anthropological and historical data which have enabled modern political scientists to make fairly plausible guesses as to the beginnings of government, Aristotle arrived at a conclusion that few modern students of politics have cared to dispute—namely that “the State is a creation of nature, and that man is by nature a political animal.”¹ The state is the whole of which the family and the individual are parts, and the proof of this is “that the individual, when isolated, is not self-sufficing; and therefore he is like a part in relation to the whole. But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god: he is no part of the State.”²

In this thoroughly Hellenic view Aristotle and Plato were in entire accord. Male and female were united in domestic economy in order to satisfy certain imperative needs; households were united in villages to satisfy a wider range of needs; and families and villages were united in states in order to satisfy all the needs of man; and this union has continued in existence “for the sake of the good life. . . . For man when perfected is the best of animals, but when separated from law and justice, he is the worst of all; since armed injustice is the more dangerous, and he is equipped at birth with

¹ Aristotle's *Politics* (World's Greatest Literature, 1900), Vol. xvii, p. 3.

² *Ibid.*

the arms of intelligence and with moral qualities which he may use for the worst ends. Wherefore, if he have not virtue, he is the most *unholy and the most savage of animals, and the most full of lust and gluttony. But justice is the bond of men in States, and the administration of justice, which is the determination of what is just, is the principle of order in political society.*"¹

To examine political society intelligently, says Aristotle, we must first inquire into the elements of which it is composed. The state is made up of households, which in turn consist of slaves and freemen, husbands and wives, parents and children, money-making activities, and property. A study of these will give a clue to the nature of the state and the principles of politics.

First as to slaves. Some persons, remarks Aristotle, think slavery is unjust and contrary to nature, but he is of the opinion that it is quite in accord with the laws of nature and the principles of justice. Many persons, he asserts, are intended by nature to be slaves; from the hour of their birth they are marked for subjection. Not that they are necessarily inferior in strength of body or mind, but they are of a servile nature, and so are better off when they are ruled by other men. They lack somehow the quality of soul that distinguishes the freeman and master. Wanting in their make-up is the ineluctable capacity for self-determination which a ruling class must have, and therefore it is clear that nature has intended them to be used as instruments in the hands of others. Consequently it is just that they should be held as property and used as other property is used, as a means of maintaining life.

To students of American history this doctrine has a familiar ring. The learned apologists for Negro slavery in the old South drew their best arguments from Aristotle. His weaving together of the ethical and the economic in such a manner that the latter would derive from the former furnished them with the most cogent brief ever made in defense of human bondage. What matter if the underlying assumptions were a trifle dubious? The assumptions of a ruling class always seem good until its power is broken, and then it needs no master dialectician to demonstrate their falsity. From the first lashswinger down to the latest labor-driver, assumptions of innate superiority have always been made by those who live by the toil of others. Having the power to rule, they doubt not that they are

¹ *Ibid.*

superior beings having a just right to rule. There is but one answer to such reasoning, and that is to be found in the logic of force—a *truth which Aristotle did not fail to perceive, as is shown by his repeated insistence that only persons truly slaves by nature can be justly held in bondage*.

From the discussion of slavery—a form of property—Aristotle passes to the consideration of property in general and the art of money-making. A more explosive subject is not to be found in the whole range of political inquiry, but Aristotle seems unaware that philosophers are supposed to handle it gingerly. With one bold leap he lands at the vortex of all controversy over the acquisition and ownership of property. Is there justification for private property? Yes, he answers, up to a certain point there is the best of all possible justifications: it is nature's own way of assuring man the where-withal to live. Men must eat, be clad, have shelter; and in order to do so they must acquire property. The instinct to do so is as natural and proper as the provision nature makes in supplying wild animals with the impulses and the means of satisfying the needs of sustenance and reproduction. So it is apparent that the art of acquisition in order to live, and, indeed, to live well, is founded upon a universal law of nature. But—now he poises a thunderbolt—*but* this does not justify that species of acquisition known as the art of making money. Here, contends Aristotle, we have a form of acquisition that is contrary to nature and capable of great harm.

He concedes that the exchange of goods is desirable in order that the necessities of life may be more advantageously shared by all, and that the use of money greatly facilitates exchange. But the abuses of money, he thinks, are greater than its benefits. When the use of coin was discovered, men learned to employ it not alone for the easy and proper distribution of goods but also for piling up unnatural and unconscionable profits. Instead of striving to acquire property in order that they might live well, men plunged into a competitive struggle to heap profits upon profits and thus swell their hoards of money so as to be able to gratify their desires without limit. In the end the multiplication of profits and the accumulation of fortunes became the primary objectives of life, corrupting the social system and militating against the good life. With Plato he entirely agrees that money is the root of all evil, and holds that nothing will more surely work for the ultimate destruction of the

state than placing its system of production and distribution in the hands of a class who operate it solely for the sake of profits.

For this subversive heresy the *Politics* of Aristotle probably deserves to be placed among the forbidden books; but what is a generation which has seen calamitous depression follow swiftly upon the heels of delirious profit-snatching, which has seen governments reel and flounder and sometimes utterly collapse under the demoralizing pressure of an overextended money economy, which has seen a threat of communism spread terror among the capitalistic states of the world—what is such a generation going to say in answer to the accusing postulate of the ancient Stagirite? And why do some of the most cautious leaders of economic thought now tentatively advance the hypothesis that stability, that consummation most devoutly sought by a troubled and brawling world, is not to be achieved without some means of restraint upon the race for profits? Was Aristotle right, after all?

If he was unorthodox in his politico-economic ideas, the master of the Lyceum was sufficiently conservative in his notions of family polity to satisfy the staunchest Tory. In this he stands at the opposite pole from Plato. No feminist, he categorically denies the equality of the sexes in any way. The male, he affirms, "is by nature better fitted to command than the female, just as the elder and fullgrown is superior to the younger and more immature."¹ The husband and father should, therefore, rule over the wife and children. Woman's glory, he says, quoting with approval a popular line of verse, is silence; but this is not equally the glory of man. No equality of education for the sexes and no equality of civic responsibility will characterize his scheme of political society. Over the children the father will hold sway as one with royal authority, over the wife as one having constitutional authority, though in both cases the rule should be temperate, wise, and just.

IV

Having considered what he regards as the basic ingredients of political society, Aristotle then proceeds to discuss "what form of political community is best of all for those who are able to realize their ideal of life."² To do this it is necessary to examine such constitutions as actually exist in well-governed states, and also the best the

¹ *Ibid.*, p. 20.

² *Ibid.*, p. 22.

theorists have imagined. Plato's *Republic* is the most challenging of the latter, and this Aristotle promptly places under the microscope.

Will community of property and of women and children accomplish the objects Plato has in mind? Aristotle thinks not. Plato seems to believe that the greater the unity of the state the better, and with this premise his practical-minded pupil disagrees. There may be, he declares, too much unity—so much, indeed, as to destroy the state itself. Differentiation of function is one of the great laws he finds in nature, and by constructing a state in disregard of this law one may produce a monstrosity. By making all citizens equal and exactly alike you would have something which would be useful for one purpose but not for the many purposes which a state must serve. Thus you would destroy the self-sufficiency of the state, which is its *raison d'être*. For as the individual is less self-sufficient than the family because the unity of his nature prevents him from doing so great a variety of things, and the family for the same reason is less self-sufficient than the state, so by limiting the variety and magnifying the unity of the state you would cause it to decline in self-sufficiency and eventually cease to be a state.

Nor would communism increase the devotion of each to the welfare of all and banish dissension from the life of the state. It is a fact of common observation, says Aristotle, that things common to the greatest number have the least care bestowed upon them, and that people think of the common interest only when they as individuals are some way concerned in the common interest. With wives, children, and property in common, men would not be likely to say "mine" and "not mine" in the same instant of time, as Plato supposes; they would have no sense of "mine" and "not mine," but an overdeveloped sense of "all" and the things of all. Every citizen would have a thousand sons who could not be his individually and whom he in common with others equally their parents would equally neglect. Moreover, there would be many occasions for quarreling and bickering. Jealousy and violence would not be eliminated by Plato's scheme of controlling sex relations, and might be increased by it. Nor would it be possible, since nature has a habit of producing children who resemble their parents, to prevent parents from discovering or trying to discover their own children and making trouble about them.

Much the same would be the consequences of communism with respect to property. A more fruitful source of discord could not be imagined. People are much more inclined to quarrel with those with whom they have frequent and close contacts than with more casual and distantly removed associates. Add to this the further intimacy which would result from holding and using property in common and you would have the community in a constant broil. Lands would not be so well cultivated, flocks so well tended, or households so well managed as with private ownership. Individuals not only would be neglectful of property shared in common with the rest of the citizenry, but also would be bereft of the values which individual ownership has as a spur to achievement, a prompter of self-respect, and a means of altruistic services to one's fellows. In one sense, however, property should be common: that is, its benefits should be common. But this should not be sought by the destruction of private ownership, but by subjecting private owners to wise legislation which would create in them a disposition to bestow upon the community the benefits accruing from their property.

"Let us remember that we should not disregard the experience of ages; in the multitude of years these things, if they were good, would certainly not have been unknown; for almost everything has been found out, although sometimes they are not put together; in other cases men do not use the knowledge which they have."¹ In this quotation we have the crux of Aristotle's dissent from Platonic idealism. For him, hard-headed assayer of facts, there can be no New Jerusalem, but only progressive adaptations of human institutions taken as they are. Plato can limn out conceptual commonwealths to conform with the absolute perfection of his dreams, because he sees human nature as infinitely plastic and infinitely perfectable; but Aristotle sees human nature as plastic only within the orbit of its inborn potency and perfectable only to the extent of its ability to build on things as they are. Plato seeks a superman, who will create a state as good as *ought to be*; Aristotle seeks a super-science, which will create a state as good as *can be*.

This austere critical and exactingly scientific point of view is maintained throughout all the eight books of the *Politics*. After disposing of Plato, Aristotle turns his lens upon the ideal states of Phaleas of Chalcedon and Hippodamus of Miletus; then upon the

¹ *Ibid.*, p. 29.

best existing states—Sparta, Crete, and Carthage—then upon the works of the historic lawgivers, such as Solon and Draco. We shall not attempt to follow him through this maze of scientific appraisal, but shall note in passing a few of the acute observations which account for his tremendous reputation among scholars.

In the Spartan state he finds many shortcomings. A ruling class with leisure to devote to public affairs is essential to a well-ordered state (a truth most unwelcome to democracies, but most profoundly true nevertheless), but the Spartans have not found out the secret of managing their subject populations. They must learn how to attach their serfs and slaves to them with such loyalty that they will not revolt when their masters are preoccupied with foreign wars. This one lesson the slavocracy of the American South did learn and learn remarkably well. Never in history was a subject population under stronger temptation to betray their masters than the Negro slaves during the Civil War, and never did a subject population cleave more loyally to their overlords.

The Spartans also pamper their women too much to suit Aristotle, allowing them to live in luxury and indulge in every sort of intemperance. Like most warlike races, they have a conspicuous weakness for women (don't take Aristotle's word for it; look up the record of the conquering races), and succumb to petticoat government because they are unable to resist the beguilements of the voluptuous creatures. The men, of course, keep up a pretense of lordship, but "what difference does it make whether women rule, or the rulers are ruled by women? The result is the same."¹

The Spartan constitution is also defective in permitting judges to hold office for life. This "is not a good thing, for the mind grows old as well as the body."² But most fatal of all defects, perhaps, is the inequality of property in Sparta. Most of the land has passed into the hands of a few; some citizens are tremendously rich, but the majority are poor. The laws encourage large families by exempting fathers of three sons from military service and fathers of four sons from all state burdens; and most of these children necessarily fall into poverty owing to the unequal distribution of property. As a consequence a large portion of the citizenry is swayed by basely material, if not venal, motives, and in many instances it has happened

¹ *Ibid.*, p. 42.

² *Ibid.*, p. 45.

that the highest offices have fallen into the hands of men so poor as to be unable to resist the temptations of office.

Of the Cretan and Carthaginian constitutions Aristotle has much the same to say, for both resemble that of Sparta in many particulars. Of the renowned lawgivers and their work Solon is the only one about whom he has much to say, and that is generally critical. Solon, he thinks, is given credit for much he did not do. He introduced democratic elements into the Athenian constitution, but was careful to see that the magistrates should be drawn only from the notables and men of wealth. He deserves credit, however, for giving the people power to fill offices by election and call the magistrates to account, which was an admirable means of saving the people from despotism and keeping them loyal to the government.

V

The subject of citizenship next engages the attention of the writer, and after some comment on the varying bases of citizenship in the different Greek states, he passes on to a classification of governments. Supreme authority, he finds, is in the hands of one, or of a few, or of many. In its true form the first condition results in a monarchy, the second in an aristocracy, and the third in a constitutional government or polity. But for each of these true forms there is a perverted form: for monarchy, tyranny; for aristocracy, oligarchy; and for constitutional government, democracy. As states vary in the stages of their advancement from primitive conditions and in the peculiar circumstances of their local history and development, so, it will be found, do they vary in constitutional structure. Wherefore the many variants of the six basic forms of government. The science of politics is concerned with all of these, for it is the business of that science "to consider what kind of government would be best and most in accordance with our aspirations, if there were no external impediment, and also what kind of government is adapted to particular states. For the best is often unattainable, and therefore the true legislator and statesman ought to be acquainted, not only with (1) that which is best in the abstract, but also with (2) that which is best relatively to circumstances. We should be able further to say how a State may be constituted (3) under any given conditions; . . . [and] to know (4) the form of government which is best suited to States in general; for political

writers, although they have excellent ideas, are often unpractical.”¹

The reason, he goes on to say, why there are so many forms of government is that every state contains many different elements. In the multitude of citizens some will be poor, some rich, and some in the middle condition; some will be husbandmen, some traders, and some artisans; some will be of the military order and some will be civilians. A constitution is an organization by which the citizens distribute offices among themselves according to the power which different classes possess (the doctrine of the class struggle), and hence there must be as many forms of constitution as there are methods of distributing offices. Starting from this principle, Aristotle proceeds to unfold the effective causes of each type of political differentiation, showing the various combinations and permutations of power-groups which determine the structure of the state. The most potent cause of all, he finds, is the distribution of wealth (here is the fountain-head of the doctrine of economic determinism). Economic groups, whether their cohesiveness springs from the possession of wealth or the lack of it, are the most frequent and powerful causes of variation in the political process. Men claim the right to share in government on four grounds—freedom, wealth, virtue, and good birth. Good birth is but a product of ancient wealth and virtue, and so there remain only freedom, virtue, and wealth; and the greatest of these is wealth, for it limits the other two.

“Now in all States there are three elements; one class is very rich, another very poor, and a third in a mean. It is admitted that moderation and the mean are best, and therefore it will clearly be best to possess the gifts of fortune in moderation; for in that condition of life men are most ready to listen to reason. But he who greatly excels in beauty, strength, birth or wealth, or on the other hand who is very poor, or very weak, or very much disgraced, finds it difficult to follow reason. . . . Again, those who have too much of the goods of fortune, strength, wealth, friends, and the like, are neither willing nor able to submit to authority. The evil begins at home: for when they are boys, by reason of the luxury in which they are brought up, they never learn, even at school, the habit of obedience. On the other hand, the very poor, who are in the opposite extreme, are too degraded. So that the one class cannot obey, and can only rule despotically; the other knows not how to command and must be ruled like slaves. Thus arises a city, not of free-men, but of masters and slaves, the one despising and the other envying; and nothing can be more fatal to friendship and good fellowship in

¹ *Ibid.*, p. 86.

States than this: for good fellowship tends to friendship; when men are at enmity with one another, they would rather not even share the same path. But a city ought to be composed, as far as possible, of equals and similars; and these are generally the middle classes. Wherefore the city which is composed of middle-class citizens is necessarily best governed; they are, as we say, the natural elements of a State. And this is the class of citizens which is most secure in a State, for they do not, like the poor, covet their neighbor's goods; nor do others covet theirs, as the poor covet the goods of the rich; and as they neither plot against others, nor are themselves plotted against, they pass through life safely. Wisely then did Phocylides pray—

‘Many things are best in the mean; I desire to be of a middle condition in my city.’

“Thus it is manifest that the best political community is formed by citizens of the middle class, and that those States are likely to be well-administered, in which the middle class is large, and larger if possible than both the other classes, or at any rate than either single; for the addition of the middle class turns the scale, and prevents either of the extremes from being dominant. Great then is the good fortune of a State in which the citizens have a moderate and sufficient property; for where some possess much, and the others nothing, there may arise an extreme democracy, or a pure oligarchy; or a tyranny may grow out of either extreme—either out of the most rampant democracy, or out of an oligarchy; but it is not likely to arise out of a middle and nearly equal condition. I will explain the reason of this hereafter, when I speak of the revolution of States.”¹

In this well-known passage we have the heart of Aristotle's political ideology. The salvation of political society lies in the enthronement as rulers of that salutary middle class which represents the happy mean between wealth and poverty. The aim is not primarily to equalize wealth and social condition, but to secure the government of society by the class least given to excesses of any sort, and therefore most likely to govern well. On theoretical grounds the validity of this thesis may be easy to dispute—middle class mediocrity is no shining ideal for the foundation of a state. But when one reviews the history of nations and undertakes to name the stable, durable, and well-administered political societies in which the rich or the poor alone have guided the destinies of the state; or when one attempts to enumerate the states of any consequence which have collapsed from internal causes so long as they had a vigorous and uncorrupted middle-class government, one quickly

¹ *Ibid.*, pp. 102–103.

begins to have a better opinion of the reasoning of the ancient physician of Stagira.

Sage old John Adams, who knew his history well and likewise his Aristotle, adopted as the cardinal principle of his political philosophy the Aristotelian doctrine of the golden mean. Afraid of rich and poor alike, he urged the American people to devise a system of governmental mechanics which would impartially restrain the rapacity of both classes. In the system of checks and balances he, and many of his contemporaries, believed that such a scheme of government had been found; but those checks and balances have not worked altogether as the founding fathers anticipated, and there are many modern students of American institutions who fear that their ultimate effect may be to neutralize the power of the middle class to such a degree that the future of the American state will be determined by cataclysmic struggles between the rich and the poor.

No lover of democracy was this classical panegyrist of the middle class. Although admitting that democracy would be more likely to have a numerous and influential middle class than any form of polity prevailing in his time, Aristotle's preference was decidedly for what might be termed an aristocracy of the middle class. Like the founders of the American Republic, he would severely exclude the propertyless masses from all share in government and would with equal severity hammer down the privileges and immunities of the rich. Indeed, he declares that the encroachments of the rich are more destructive to the state, and more to be feared, than those of the poor. "There only can the government ever be stable where the middle class exceeds one or both of the others, and in that case there will be no fear that the rich will unite with the poor against the rulers. For neither of them will ever be willing to serve the other, and if they look to some form of government more suitable to both, they will find none better than this, for the rich and poor will never consent to rule in turn, because they mistrust one another."¹

In Greek political experience nothing occupied a more prominent place than revolutions, and to this subject Aristotle devotes many pages of his *Politics*. First he analyzes the causes of revolutions. They are: (1) that universal passion for privilege and prerogative which causes men to resent and rebel against conditions which (unfairly in their opinion) place other men above or on a level with

¹ *Ibid.*, p. 105.

them in rank or wealth; (2) the overreaching ^{insolence} or avarice of rulers or ruling classes which causes men to react against them; (3) the possession by one or more individuals of power such as to excite fears that they design to set up a monarchy or an oligarchy; (4) the endeavors of men guilty of wrongdoing to foment a revolution as a smoke-screen to conceal their own misdeeds, or of men fearing the aggressions of others to start a revolution in order to anticipate their enemies; (5) the disproportionate increase of any part (territorial, social, economic, or otherwise) of the state, causing other parts to resort to violent means of offsetting this preponderance; (6) the dissensions and rivalries of people of different races; (7) dynastic and family feuds and quarrels; and (8) struggles for office and political power between rival classes and political factions or parties.

Revolutions may have been more frequent and easier to excite in the microcosmic polities of Greece than in the huge national states of later times, though the chronicles of Latin America, of southern and eastern Europe, and of modern Asia leave some doubt as to that. There can be no doubt, however, of the acuteness of Aristotle's insight into the basic causes of revolutions. One or more of the factors enumerated by him will be found to have been among the provoking forces of virtually every political revolution of which history has any record, and quite as evidently so among the Nordic peoples as among the supposedly more volatile races. What caused the American Revolution? Not what the school books usually say—those were only superficial causes. The real cause was the failure of the British government to perceive that the American colonists were victims of an inferiority complex which made them extraordinarily sensitive about their alleged rights, to which the British attached no especial importance and thought incompatible with the general economic and political well-being of the Empire. In other words, Aristotle's Cause One. What caused the American Civil War? Not the crusade of the Abolitionists, or the fear of the South that slavery would be abolished, but fear of the growing economic and political preponderance of the North which would ultimately make it impossible for the South to direct its own political and economic destiny. John C. Calhoun plainly said so again and again in his speeches in the Senate. In other words, it was Aristotle's Cause Five.

Just as illuminating as Aristotle's analysis of the causes of revolutions is his discussion of the means of preventing them. The first essential, he says, is jealously to maintain the spirit of obedience to law; "for transgression creeps in unperceived and at last ruins the State, just as the constant recurrence of small expenses in time eats up a fortune."¹ The second thing is not to maltreat any classes of people excluded from the government, but to give due recognition to the leading spirits among them—a policy which the British, since the American Revolution, have perfected into one of the fine arts of statecraft. No one knows so well how to disarm opposition as Old Mother England. Discontented dominions she reconciles with varying degrees of home rule and gaudy rôles in the pagantry of imperialism; disaffected parties and social classes she placates with the soothing syrup of compromise and the pink pills of unctuous ceremony.

The third device for preventing revolutions, according to Aristotle, is to keep patriotism at fever pitch. The "ruler who has a care of the State should invent terrors, and bring distant dangers near, in order that the citizens may be on their guard, and, like sentinels in a night-watch, never relax their attention."² This precept has been well mastered by Comrade Stalin, and was the best trick in the whole repertoire of that virtuoso of practical politics, Adolph Hitler.

The fourth expedient is to counteract the discontent that arises from inequality of position or condition by arrangements which will prevent the magistrates from making money out of their positions, by limiting the tenure of office and regulating the distribution of honors so that no one person or group of persons will become disproportionately powerful or distinguished, and by preventing glaring inequalities of wealth and regulating the economic structure of the state so that the poor will have a chance to rise to competency.

Fifth, and finally, this: ". . . of all the things which I have mentioned, that which most contributes to the permanence of constitutions is the adaptation of education to the form of government, and yet in our own day this principle is universally neglected."³ The young, in other words, must be trained in the spirit of the constitution, whatever that constitution may be; must be disciplined to social habits consonant with the maintenance of that constitution;

¹ *Ibid.*, p. 131.

² *Ibid.*, p. 132.

³ *Ibid.*, pp. 135-136.

must learn to think and act as integral parts of a particular form of political society.

Can modern political science prescribe any surer remedies than these to counteract the virus of revolution?

VI

For all his devotion to the practicable and attainable, Aristotle is no crass materialist. The function of government, he constantly reiterates, is to enable men to live the good life, and the good life, as he defines it, is the life of the spirit. "Some think," he says, "that a very moderate amount of virtue is enough, but set no limit to their desires of wealth, property, power, reputation, and the like. To whom we reply by an appeal to facts, which easily prove that mankind does not acquire or preserve virtue by the help of external goods, but external goods by the help of virtue, and that happiness, whether consisting in pleasure or virtue, or both, is more often found with those who are most highly cultivated in their mind and in their character, and have only a moderate share of external goods, than among those who possess external goods to a useless extent but are deficient in higher qualities; . . . Let us assume then that the best life, both for individuals and States, is the life of virtue, having external goods enough for the performance of good actions."¹

It is evident then, he points out, that the form of government is best in which every man, whoever he is, can act for the best and live happily. This is not attainable in the same way in all states, and the good lawgiver should make a careful study of states and races of men in order that his enactments may always be adapted to the requisites of the particular society with which he is dealing. It is possible though, he thinks, to sketch in a general way what should be the elements of a model state. It must have economic resources sufficient to supply the needs of its population, population sufficient (though not oversufficient) to perform the necessarily varied functions of community life, and territory sufficient to enable its inhabitants to live temperately and liberally in the enjoyment of leisure and well situated for defense and communication. It should have ample access to the sea, and should be a maritime state with a naval force commensurate with the scale of its enterprises. It should be

¹ *Ibid.*, pp. 165-166.

located also where the climate is temperate and congenial to both physical and mental activity.

In addition to these basic requirements the model state should have a properly specialized body of inhabitants—husbandmen to provide food, mechanics and artists for the services of skill, soldiers to bear arms, tradesmen to carry on the work of exchange, priests to supervise the state religion, and public men to carry on the political and judicial functions. Of each class there should be a sufficient number to serve the needs of the state, and no more. Husbandmen, artisans, and traders would be excluded from participation in government; this function would be monopolized by the warriors, priests, and public men. The members of this ruling class in early life would serve as warriors, in middle life as civil servants, and in old age as priests. The ownership of land would also be confined to them, in order that land might not be commercialized.

The site of the city should be chosen with a view to public health, political convenience, and strategic requirements, and the ground-plan should be laid out for beauty, though not at the sacrifice of defense.

The educational system of the model state must be determined by the kind of life we wish its citizens to pursue and the kind of happiness we wish them to enjoy. Since we wish them to live the good life, practice virtue and moderation, and follow reason in all they do, we must give them an education directed to those ends. In youth they must be taught to obey, so they may be qualified to rule when they are older. Purely military education, such as the Spartans have, is not enough; for it does not develop all of a man's powers, and conspicuously neglects the virtues of peace, which are temperance, justice, and intellectual culture. We must train the body, the appetites, and the mind, thus making the well-rounded man.

Marriage also must be subjected to strict regulation in the model state. The age of marriage must be fixed to prevent the marriage of persons who are too young or too old, and persons physically or temperamentally disqualified should also be forbidden to marry. Deformed or deficient children should not be allowed to live, nor should parents be allowed to have children in excess of the population requirements of the state. Abortion may be used to control

the size of families, provided it is done before sense and life have begun. Couples should not be allowed to have children after one or both have become too old to produce children of prime intelligence and physical ability.

VII

How unlike, and yet in some respects how like, the ideal state of Plato is this model commonwealth of Aristotle! Plato's state is a fabric of abstract ideas to be translated into reality by a philosopher-king who will sweep away all existing institutions and employ genetics and education to create a new and better race of men in a perfect social order; Aristotle's is a fabric of materials already existing, thoroughly tried, well understood, and lying at hand ready for use by any intelligent statesman who dares to try his skill at weaving them into patterns approximating the ideal. Yet both thinkers display the same ethical fervor, the same passion for order, the same love of moderation, the same devotion to justice and reason, the same confidence in education, the same faith in humanity, and the same concern for the realization of the good life.

For a modern commentator to add a single cubit to the stature of Aristotle is quite as impossible as to enhance the fame of Plato. As in the case of his immortal teacher, the greatness of Aristotle is amply attested by the number of those who follow in his train. As Plato is father to the idealists, romanticists, revolutionists, and utopians of political philosophy, so Aristotle is father to the realists, scientists, pragmatists, and utilitarians. All who believe in new worlds for old are disciples of Plato; all who believe in old worlds made new by the tedious and toilsome use of science are disciples of Aristotle.

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CHAPTER VI
ROMAN POLITICAL IDEAS

I

ROMAN civilization is not notable in the history of political thought for the originality of its conceptions. Roman political thinkers were expounders and transmitters rather than creators of political ideas. There is no Roman political theorist who can be ranked with Plato and Aristotle, and those who rose above the level of mediocrity were few indeed. The influence of Roman political thought is not to be measured by its intrinsic qualities so much as by its educative power. For many centuries Roman teachers and writers were the chief medium through which Greek political philosophy was interpreted and spread throughout the world. Roman thinkers undoubtedly imparted to Greek political philosophy something of their own special temper and attitude; but the true political greatness of Rome lay not in her thinking but in the vigor and reach of her doing. By the example of her institutions, by the utilization of principles that were not always objectively understood, and by the practical testing of ideas the Greeks had toyed with but had not validated by experience, Rome exerted a profound influence on political practice. In the long run, by the indirect road of practical experience, Rome contributed more to the enrichment of political thought than by her own political philosophies.

For students of political science Rome means law and jurisprudence. The Romans evolved the most complete and minutely perfected system of law known to the ancient world; yet, as Professor Willoughby remarks, they "failed to make any but the slightest of conscious attempts to determine, and arrange in their logical relations, the fundamental concepts upon which their body of law depended."¹ Philosophical ideas they were quite content to borrow from the Greeks; where Hellenic thought stopped, they halted their own speculative flights and descended to the *terra firma* of practical politics and administration. In view of this powerful inclination to the practical, it is remarkable that we find any political theorists of note in the Roman era.

¹ *The Political Theories of the Ancient World*, p. 215.

What Rome gave the world was not political theory, but the materials for political theory. In the secularization of law she laid foundations on which many of the salient doctrines of European and American political thought have been built. Among these may be mentioned the idea of positive law, the doctrine of private rights, the theory of sovereignty, the concept of the state as a legal entity, and the principle of the delegation of political authority on a contractual basis.

Among the Greeks the ultimate sanction of law was deemed to be religious or ethical; the idea of law as the juridically sanctioned command of a definite human superior never took form in the Hellenic mind. The Romans, however, brought law down from the clouds. They had an empire to administer, and little time to waste on vaporous theories. To reconcile law with ethics and religion throughout their polyglot domains, was manifestly impossible; so they did the practical thing—divorced law from ethics and religion. Roman citizens and subjects were bound to obey the law, not primarily because it was just, right, consistent with ethical principles, or sanctioned by religion, but because it was the command of supreme political authority speaking the will of the body politic. The intricate and interesting processes of juridical evolution by which the Romans arrived at this simple attitude toward law cannot be described here. Suffice it to say that there was relatively little of speculation and theory about it, and much of the practical business of trial and error.

In much the same way the Romans reached other views which came to be basic ingredients of the political philosophies of later times. Legal rights, as a matter of common practice, were seen to be derived from concrete rather than abstract sources. The consuls, praetors, tribunes, senators, and other officials wielding high authority were the real determiners of rights and obligations among men; not the gods, or abstruse ideals, or general principles of ethics. Moreover, these officials were ordinary human beings elevated to posts of power by the vote of patrician or plebeian assemblies.

Hence it was natural to assume and act as though the magistrates were the possessors of power delegated to them by the people, and to view the people as the ultimate source of political authority and the individual citizen the ultimate entity of legal contemplation and action. So, as Professor Gettell puts it, "The Romans sep-

arated state and individual, each having definite rights and duties. The state was a necessary and natural framework for social existence; but the individual, rather than the state, was made the center of legal thought, and the protection of the rights of the individual was the main purpose for which the state existed. The state was thus viewed as a legal person, exercising its authority within definite limits; and the citizen was viewed as a legal person, having rights which were to be safeguarded against other persons and against illegal encroachment by the government itself.”¹

In practice this theory was more or less inarticulate, and was not worked out with much advantage to the individual citizen; but it had a deep influence upon political ideology in later times. Since the state was viewed as a collectivity, it was easy to endow it with the attributes of a corporation and treat it as though it were a juridical entity with specially allocated functions and restrictively defined powers. Through this corporate entity, the people as a body mediated the common will; therefore the supremacy of the people was embodied in the state, and the head of the state thus became the principal vehicle of popular sovereignty. For that reason, whatever was ordained by the head of the state must be deemed as having the force of law. Here we touch the roots of the juridical doctrine of sovereignty.

In sharp contrast with the foregoing were two other concepts which slowly took form in the Roman mind. As their territories expanded and their foreign commerce increased, the Romans had to deal with many subject peoples, with many resident aliens in their own country, and with alien legal systems in transacting business in foreign countries. Since Roman law applied only to Roman citizens, the Romans had to find principles and rules of law to apply in their many relations with persons not subject to the law of Rome. This they accomplished by the development of what came to be known as the *jus gentium* or law of nations. Observing identical or similar principles and practices in the various bodies of alien law with which they came into contact, they assumed that these constituted a common law for all nations, and treated them as such in their intercourse with alien peoples.

This highly useful expedient was a prominent factor in the evolution of the doctrine of natural law. Gradually, through their

¹ *History of Political Thought* (1924), p. 68.

contacts with alien legal systems and their familiarity with Greek thought, the Romans began to believe that certain legal ideas and principles were planted by nature in the minds and hearts of all men. Recalling the Greek doctrine of natural reason as the basis of justice, and perceiving the many principles and rules apparently common to the laws of all peoples, they postulated a universal higher law and called it the *jus naturale* or law of nature. The chief characteristics of the law of nature were its inherent reasonableness, its universal application, its freedom from technicalities, and its intrinsic fairness and justice. No attempt was made to reduce it to a code or to define its terms; it was simply taken for granted and allowed to remain in the abstract. Its great importance in political thought did not begin until after Rome had passed from the scene.

II

Having noted some of the broader characteristics of the Roman contribution to political thought, we shall now turn to three Roman political thinkers of special prominence. These are: Polybius, the Greek historian, who was captured by the Romans in 167 B.C. and kept seventeen years in Rome as a political hostage; Cicero, the renowned essayist and orator; and Seneca, the great teacher and writer, who was for five years chief minister of the emperor Nero.

Polybius is chiefly known for his *History of Rome*, an opus of forty books, which was much more than a chronological history. Polybius tells us that his chief purpose in writing was to enable students to understand why it was that the whole world fell under the power of Rome in the short space of less than fifty-three years. The power and greatness of Rome were the result, he thought, of an exceptionally stable system of government.

Polybius accepted the sixfold classification of true and degenerate forms of government that had come down from Plato and Aristotle, and advanced the theory that unmixed systems of government are subject to more rapid degeneration than mixed. None of the three primary forms of government (monarchy, aristocracy, and democracy) is, he said, inherently stable. Each contains elements which cause it quickly to decline into the corresponding degenerate form. But the Roman constitution tends to counteract this fatal tendency by a happy mixture of principles drawn from all three of

the primary forms of government. The monarchical principle is exemplified by the consuls, the aristocratic by the senate, and the democratic by the popular assemblies. The powers of government are about equally divided between these three. The consuls possess supreme military power and very considerable powers of civil administration; the senate controls the purse and has large powers of inquisition and adjudication; the popular assemblies have the power of bestowing offices, passing or repealing laws, deciding upon peace or war, and determining the penalty when persons are on trial for serious offenses. Neither, however, can exercise its powers freely and without hindrance from the others. Each checks and is checked by the other two, and this results in an equipoise which retards the cycle of growth and decay. Both Plato and Aristotle had touched upon this idea, the latter being especially partial to mixed forms of government; but Polybius deserves remembrance as the first to state the famous check-and-balance theory in a full and formal way.

The name and reputation of Marcus Tullius Cicero are familiar to every school boy. One of the most versatile men who ever lived, Cicero's fame has been kept fresh by his oratorical, literary, and statesmanly attainments rather than by his political philosophy; yet the rôle of political philosopher was one he dearly loved to play. He was the most renowned political theorist of his time and one of the most influential both in his own and later times; but his political thought was almost entirely unoriginal and had very few qualities of permanence. He was influential because his works were distinguished by a beautiful style, and were more widely read than any other political writings in the Latin language. His ideas were taken from other men, but he gave them an immortality that their originators could not; because he wrote lasting literature, and an idea once incorporated in Cicero's works was forever embalmed in the classics of human expression. Cicero's best known political treatises are the *De Republica* (*The Republic*), the *De Legibus* (*The Laws*), and *De Officiis* (*Offices*).

The *De Republica* is a pale replica of Plato's *Republic*. Cicero was an ardent Platonist, and was possessed of an ambition to duplicate in Latin the masterpiece of that great idealist. The imitation is so obvious and the parallelism so close at many points that one can almost imagine Cicero sitting down with a copy of Plato's *Republic*

and planning his dialogue, his arrangement of topics, and his speaking characters after the pattern of the Greek prototype. The ideas he develops are not, however, exclusively Platonic. He was a profuse borrower and gathered his material from a great variety of sources. One translator—Professor C. W. Keyes—is of the opinion that the comments on history and practical politics which appear in the *De Republica* were taken largely from Polybius, and that many of the philosophical and political theories were derived from the eminent Stoic, Panaetius.¹

“*Res publica res populi*,” says Cicero; a state is the property of a people, though not of a collection of people brought together in any haphazard way. The essential feature of a state, he thinks, is the association of a large body of people “in an agreement with respect to justice and a partnership for the common good.”² This entity is not merely the creation of men entering into a combination for selfish material interests, but is the product of needs that lie deep in human nature, and therefore is founded upon ethically sound principles. Here Cicero is at one with the Greeks, though the Greeks never distinguished between the state as a juridical fact and the social aggregate out of which it is born. Not so the Roman juriconsult; he naturally thinks in terms of legal nicety, and hence has one pigeonhole in his mind for humans organized as political beings and another for humans as social, but not political, beings. As a Roman also, he thinks of the state as *res populi*, that is, a thing of the people, deriving its ultimate authority from them and employing its powers in their interest.

But this inclination to popular sovereignty does not preclude the recognition of legal or political sovereignty as well. The people truly may be the ultimate source of political authority; but, he declares, there must be, in every well-governed state, some instrumentality or agency to express and enforce the will of the people. Deriving supreme coercive power from the people themselves, this authority—be it a monarch, an aristocracy, or a popular assembly—is the legal sovereign of the state, and its mandates have the force of law. So speaks the typical Roman.

The Greek classification of the types of government is adopted by Cicero, and also the Greek judgments as to their respective merits. “I do not approve any of them when employed by itself,” says

¹ Cicero's *De Republica* (Keyes' Translation, 1928), p. 8.

² *Ibid.*, pp. 64–65

Scipio, the protagonist of Cicero's dialogue, "and consider the form which is a combination of them all superior to any single one of them." ¹ Which, of course, is what Polybius had said a good many years before. If compelled to adopt a single unmixed form of government, Cicero would prefer monarchy, because, as he makes Scipio say, it is most like the paternal rule out of which the state issues. Aristocracy would be his second choice, and democracy a poor third. He takes Plato's view of the frailties of democracy, and cites Plato to clinch the argument.

A large portion of the *De Republica* is given over to the discussion of justice. Cicero treats at length the varying conceptions of law and justice prevailing among different peoples, reviews the conflicting opinions of the great jurists and scholars, and concludes with this classic statement of the doctrine of natural law: "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. . . . It is a sin to try to alter this law, nor is it allowable to try to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and all times, and there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst of penalties, even if he escapes what is commonly called punishment." ²

Cicero wrote the *De Legibus* as a sequel to the *De Republica*. In Plato's great trilogy the *Laws* were not so related to the *Republic*; but Cicero's evident intention was that his *De Legibus* should provide the actual constitution and detailed legislation to supplement the philosophical principles set forth in the *De Republica*. In addition to a lengthy discussion of the nature of law and its obligations, the treatise outlines a complete code of laws for a well-constructed and well-administered state. This is based to a large extent on the laws

¹ *Ibid.*, p. 83.

² *Ibid.*, p. 211.

and customs of Rome, though some imaginary provisions are introduced.

The *De Officiis* is much less significant than the other two members of Cicero's trilogy. It is said to have been based to a very marked degree upon a book written by the Greek Stoic, Panaetius. It purports to be a letter from Cicero to his son, offering advice and instruction on the responsibilities and duties of citizenship. Many of the views set forth in the other works are repeated here, notably his idea of popular sovereignty and his belief that rulers should serve the people and bear in mind the good of the whole state. The author deplores the part played in public affairs by the industrial and commercial classes, and negatively sanctions tyrannicide.

Cicero's outstanding service in political thought undoubtedly was his splendid statement of the doctrine of natural law. The Stoic philosophers had conceived this idea, but Cicero made it a permanent part of the world's intellectual treasures. The selection which we have quoted from the *De Republica* is but a sample of the many beautiful passages of similar import which freely adorn his numerous works. These were extensively copied and quoted, and thus became a familiar part of both ancient and modern political literature. In summing up the value of Cicero's political writings, Professor Willoughby says that "one is forced to confess that the largest element consists rather in the part played by them in the transmission of Greek ideas to Roman thought, than in the creation of distinctly new theories."¹ Ultimately, however, thinks the same writer, the influence of Cicero was very great, because, in bringing the legal thought of Rome into contact with Greek ideas of justice and equity, he contributed immensely to the growth and perfection of Roman jurisprudence.

Seneca was essentially a moral rather than a political philosopher. Cicero represents Roman thought in the latter days of the Republic; Seneca, who lived about a century later, represents the ideology of the early Empire. Seneca wrote no strictly political treatises, and this itself is significant. Political idealism was in decay, and thinking men had little faith in political roads to salvation. The state was no longer viewed as a moral being, was no longer regarded as an essential instrumentality of moral advancement. Despotism had

¹ *Op. cit.*, p. 288.

superseded self-government, and the Roman state had become the tool of avarice, corruption, and self-aggrandizement. The people were as bad as their rulers; in fact, the most vicious rulers were the most popular. Civic virtue was dead.

Seneca's writings reflect the pessimism of this period. He still believes that the good man owes a moral duty to society, but he refuses to identify society with the state. Society, as he conceives it, is that universal fellowship of mankind which nature ordained in the creation of the first communities. "This fellowship," in the words of Seneca, "remained unspoiled for a long time, until avarice tore the community asunder and became the cause of poverty, even in the case of those whom she herself had most enriched. . . . But the first men and those who sprang from them, still unspoiled, followed nature, having one man as both their leader and their law, entrusting themselves to the control of one better than themselves. For nature has a habit of subjecting the weaker to the stronger. . . . That is why it was to the mind that a ruler was assigned; and for that reason the greatest happiness rested with those peoples among whom a man could not be the more powerful unless he were the better. . . . Accordingly, in that age which is maintained to be the golden age, Posidonius holds that the government was under the jurisdiction of the wise. They kept their hands under control, and protected the weaker from the stronger. They gave advice, both to do and not to do; they showed what was useful and what was useless. Their forethought provided that their subjects should lack nothing; their bravery warded off dangers; their kindness enriched and adorned their subjects. For them ruling was a service, not an exercise of royalty. No ruler tried his power against those to whom he owed the beginnings of his power; and no one had the inclination, or the excuse, to do wrong, since the ruler ruled well and the subject obeyed well, and the king could utter no greater threat against disobedient subjects than that they should depart from the kingdom." ¹

In the fabled golden age, as thus described, Seneca saw the natural fellowship of mankind and the political organization of society perfectly merged. But the golden age was gone, and this happy union no longer prevailed. Political society existed in a debased and degenerate form, but still surviving above and apart from the

¹ Seneca, *Epistolae Morales* (Loeb Classical Library), Vol. ii, pp. 397-399.

low-fallen governmental institutions of the day was the great natural society of humanity at large. Service to this great society was a solemn and noble duty; by such service one could do more good than by service to the state.

The political ideas of Seneca foreshadowed, and materially fostered the growth of, two important trends in later political thought. His harking back to the golden age and glorifying the perfection of things in the unspoiled state of nature were influential in the utopian ideologies and the "back to nature" philosophies of subsequent ages. And his separation of society from the state helped lay the foundation for the dualism of St. Augustine and other political theorists of the Roman Catholic Church.

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CHAPTER VII
“VICISTI GALILÆE”

I

THOU hast conquered, O pale Galilean,” chants the melancholy pagan of Swinburne’s *Hymn to Proserpine*; “the world has grown gray from thy breath.” A grayer world for the average man than that of pre-Christian Rome could exist only in the pensive fancy of a disillusioned poet. For the fortunate few there was undoubtedly color and pleasure in the gorgeous drama of Latin imperialism, but not even the most lavish dispensation of bread and circuses could conceal or allay the grinding misery of the masses. The fruits of Roman social and political economy had ripened and were ready to drop from the tree. A new cycle of growth and decay was about to set in, and, as Swinburne rhetorically expressed it, Time and the Gods were at strife.

Roman civilization was not destroyed by Christianity any more than Christianity was corrupted by Roman civilization. Nor did the Roman system of polity give way to a Christian order of society or break down under the pressure of Christian political ideas. What actually occurred was a blending of Roman and Christian ideas and institutions in such a way as to deflect the social and political processes of the western world into new and uncharted paths. A few centuries of Christianity made it clear that profoundly significant changes had taken place, and that the new order, though seemingly springing from the same soil as the old, was bearing fruits of a radically different nature. Of these facts there has never been any lack of appreciation, but of the intrinsic character of the steps between the old and the new, especially in the realm of political thought there has seldom been a satisfactorily clear understanding.

In the beginning Christianity was just another cult—in fact, just another Jewish cult, of which there were many throughout the Roman Empire, equally obscure to the non-Semitic mind and equally undeserving of notice from a philosophical point of view. Solely on account of their political repercussions did Rome pay any attention to Jewish religions. The Jews were a political-minded and militant race, persuaded by their prophets that they were destined

for world dominion and fanatically determined not to be cast into the melting pot of Romanization. Far in excess of other subject peoples under the Roman eagle were they prone to rebellion and political conspiracy. “Palestine,” says Mr. F. J. Foakes-Jackson, “was a hot-bed of anti-Roman sedition,”¹ which, as he further explains, permeated the entire Roman world. Jewish colonies were to be found in all the great cities, and the marvelous Roman roads and the universal order which Rome maintained made it easy for these widely dispersed bodies of malcontents to keep in touch with one another and with the homeland. The focus of Jewish patriotism was, of course, their religion, an intensely and narrowly nationalistic creed which not only spurned the uncircumcised as followers of false gods but condemned them ultimately to be vassals of the “chosen people.” So potent, indeed, was the menace of Jewish nationalism that generous concessions had been made to the Jews both in religious and civil matters. Jewish soldiers in the Roman armies were permitted to observe the Sabbath in strict compliance with the Mosaic law; Jews in civil life were fully protected in their peculiar religious observances and were allowed to maintain their own ecclesiastical organization. The civil government of Judea was also autonomous to a considerable degree and committed to the hands of native rulers.

Being thus keenly conscious of the political ramifications of Jewish religious movements, it might be supposed that the Roman authorities immediately would have detected the political significance of the Messianic cult of the Nazarene. But it was not so, either during the lifetime of Jesus or in the early formative period of the Christian church. Apparently the Christian movement in its early stages created so small a stir as to escape notice. Jesus was an itinerant teacher not ostensibly different from many who preceded and followed him. Such men were common in Judea, and Jesus was less an agitator and disturber than most of them. His teaching was in accord with Judaistic principles; he proclaimed that he came to fulfill and not to destroy; and his Messianic claims were not put on a political basis. The conventional Jewish conception of the Messiah was repugnant to him and he steadfastly refused to be drawn into anything resembling a patriotic movement—a fact itself sufficient to arouse hostile suspicions among the ecclesiastical politicians of

¹ *The Rise of Gentile Christianity* (1927), p. 93.

Jewry. What was his game? Was he pro- or anti-Roman? If the former, might it not be a good counter-move to frame charges of sedition against him and entangle him with the Roman government? That, at any rate, is what happened. But Pilate could find no fault in him, and was relieved to be able to turn him over to his own people. If he was not anti-Roman, he was not worth bothering about; and if it would placate Jewish opinion to allow him to die on the cross, it was good policy to do so.

Did the disciples of the Galilean thereupon part company with Judaism? Not at all; theirs was no separatist movement, but a program of boring from within. Their Master was a Jew; his mission was to Jews; and so they conceived theirs to be. They continued to attend the synagogues and to observe the rabbinical law, making no break with Jewish community life. To an outsider they were indistinguishable from other Jews. Their first converts were made among Jews, and their sole apparent purpose was to persuade the Jewish people that Jesus was in fact the Christ. A small and informal fellowship of devout Jews who had fallen under the spell of a unique personality and thought they saw in him the fulfillment of the promises of their prophets, in the Jewish world they made no great splash and in the Gentile world none at all. So it might have continued, had not the Jewish priesthood, scenting (unjustifiably, perhaps) a political purpose in the new movement, made an effort to suppress it. Persecution was just what Christianity needed to give it power. Forced into opposition to the established hierarchy, the followers of Jesus became aggressive, built an organization of their own, developed a missionary fervor, began to seek proselytes among the Jews in all parts of the Roman Empire, and finally undertook to carry their gospel to the Gentiles.

Still the Roman government remained indifferent to the Christian movement. Religions *per se* did not interest Caesardom, but only their political implications; and Christianity seemed to carry no political threat. Its churches were few and widely scattered, and the bitter opposition which it aroused among the prelates of Judaism appeared to be a sufficient guaranty of its innocuous character. The Princes Senatus and his military junta could rest in peace so far as this puny sect was concerned. Little did they dream that a Hellenized Jew named Saul, most ferocious of all of the rabbinical persecutors of Christians, would suddenly change front and furnish

the driving genius necessary to transform Christianity from a provincial cult into a world religion, from an other-worldly holiness movement into mighty temporal force sufficient to conquer empires and make puppets of their rulers.

II

The conversion of the Apostle Paul marks the first great turning point in the history of Christianity. Next to Jesus, he was undoubtedly the greatest personality in the early history of the Christian movement, and many competent scholars assert that Paul more than Jesus is responsible for what Christianity has become. To an unsystematic Hebrew heresy he gave a system of theology which raised it to an intellectual plane above contemporary religions; to a loose-jointed ecclesiastical structure he imparted sound organization and efficient administrative procedure; to a movement characterized more by zeal than sound statesmanship he supplied balanced leadership and far-seeing strategy; to a body menaced by factions and demoralized by dissension he brought harmony, unity of purpose, and effective coöperation. A curious and remarkable combination of visionary and realist was this tentmaker of Tarsus. Evidently a man of education and position, he insisted upon making his living by manual labor; swayed by dreams, trances, and occult experiences of the most fantastic kind, he was nevertheless capable of broad views, shrewd judgments, keen analyses; severe to the point of asceticism in his moral standards, he could display a charming urbanity and counsel tolerance and indulgence when expediency so required; eccentric almost to the point of absurdity in many of his ideas, he rarely failed in difficult situations to show the most remarkable balance and presence of mind. Under the guiding hand of this paradoxical genius Christianity took a course of development which made the Christian church a force for empires to reckon with.

Despite the amazing genius of Paul, however, and the missionary fervor of the new faith as well, Christianity marched only westward. The East was *terra clausa*, and has always remained so. Eastward the obstacles were insurmountable; westward the obstacles were many and great, but there were equally numerous facilities for overcoming them. "Foremost among the facilities," remarks Abbé Duchesne, "come universal peace, uniformity of language and ideas, and rapid and safe communication. Philosophy, by the blows it

had struck at the old pagan legends, and by its impotence to replace them, may also be reckoned as a useful auxiliary; the Fathers of the Church speak of paganism in the same tone as Lucian. Finally, the religions of the East, by feeding the religious instinct, had prevented its perishing and kept it alive, to await the new birth of the gospel.”¹ The Roman Empire at the time the propagation of Christianity began had achieved political and cultural unity, but had no universal religion. Over the many local and provincial governments which Roman arms had woven into a single fabric there was one supreme authority; among the many diverse peoples who made up the population of the empire, Greek or Latin, or both, were widely spoken; among the educated classes everywhere the literature and philosophies of Greece and Rome were a common possession; but there was no corresponding uniformity of religion. True, the worship of Caesar, introduced by Augustus as a state religion, was everywhere required; but this was more a patriotic than a religious exercise. None of the old religions was displaced by Caesar worship, and every person, provided he satisfied the formal observances of the state religion, was free to follow his own fancy in matters of faith.

Of the ancient Roman religions scarcely anything remained save perfunctory ceremonies. Contact with Greek philosophies and the mystic religions of Egypt and Asia had weakened the hold of the original Latin creeds, and the dilution of Roman citizenship by the admission of hosts of persons not of Roman birth rapidly completed the undoing of the ancestral faiths. Among the intellectuals it became fashionable to reject religion entirely and espouse one of the many systems of philosophy then bidding for popularity; and those who could not be satisfied with philosophy were wont to embrace one of the imported religions. Many took up the Egyptian mysteries of Isis and Serapis; a great number were attracted by the Persian cult of Mithraism; various Syrian and Chaldean religions claimed a great many; and not a few became converts to Judaism. All over the empire sprang up organizations for the practice of these and many other forms of religious faith, all of which existed side by side without any one claiming priority or the right of monopoly.

¹ Abbé L. M. O. Duchesne *The Early History of the Christian Church* (3 vols., 1909-1924), Vol. i, p. 7.

Only the well-to-do classes, however, could really make much of the freedom which this régime of tolerance offered. The masses, as a rule, were too ignorant to absorb philosophies and too poor to indulge in the elaborate and expensive rituals of the Oriental religions. Here, then, was fertile soil for the growth of a new religion. Coincident with the decline of the old tribal religions came the economic submergence of the masses, leaving them in a condition both of spiritual desolation and material misery. Precisely at this juncture Christianity appeared on the scene. Its creed was simple and easy to understand; it required no temples and involved no costly ceremonies; and its teachings were exactly what the lowly wanted to hear and believe. Welcome indeed to the underprivileged and oppressed was the doctrine of the fatherhood of God and the brotherhood of man; even more so the doctrine of salvation through the sacrificial death of the Son of God, made manifest in the flesh in the person of a humble village carpenter; and absolutely thrilling the doctrine of the resurrection, which made death but the portal to life and bliss everlasting. No such consummation of the earthly pilgrimage was promised by any other religion.

Among the lower classes, therefore, Christian propagandists met with great success. Slaves, serfs, artisans, common soldiers, and other humble folk flocked to the Galilean cult in great numbers, and occasional converts were made among the upper classes. Everywhere Christian societies were established and Christian services begun. Lacking buildings for public worship, it became customary to assemble in private places known only to the brethren. Sometimes, too, it was necessary to preserve secrecy in order not to get the proletarians involved in complications with their superiors. Naturally this aroused suspicion. Memories of terrible uprisings of the lower classes were still vivid in the ruling-class mind. Why all this secrecy on the part of the Christians? Why their strong appeal for the rabble? And why, above all else, did they obstinately refuse to worship Caesar as every loyal Roman should? Their persistence in this disloyal attitude promptly confirmed the suspicions of every nervous patriot against them, and the august Roman prototypes of our modern patriotic societies began to howl in fearful rage for their blood.

Upon precisely the same terms as they extended toleration to Jewish, Egyptian, Persian, and other religionists the Roman author-

ities were ready to extend toleration to Christians; but upon such terms as the Christians demanded, never. The first duty of man, from the Roman point of view, was to the state; after that came duty to God and fellow men. Worship of Caesar, who was merely the transient embodiment in human form of the sovereignty and majesty of the state, was not deemed inconsistent with any religious beliefs one might hold. But to the Christian, at that time, man's first duty was to God; to worship Caesar at all would be to deny the primacy of God. To the Roman ruling class this was nothing short of treason against the state, while to the Christian the Roman attitude was equally treason against God and conscience. The Christian could not yield without sacrificing the heart of his religion; the Roman government could not yield without abandoning the central principle of Roman polity. So the Roman authorities proceeded as a matter of high civic duty to stamp out this Bolshevik movement which was insidiously undermining the loyalty of the citizenry and menacing the security of the state. But the more they stamped, the more persistently did Christianity spread and the more fanatical did the followers of Christ become.

We cannot pause here to review the nearly three centuries of persecution which Christianity had to endure at the hands of the Roman government; but for the sake of what is to follow we must reiterate the point that these persecutions were far less religious than political. Had they not persisted in their refusal to do homage to Caesar, the Christians might have adhered to any theology and followed any form of worship that struck their fancy. The Roman government would not have molested them on religious grounds alone. And had they not learned eventually to play the game of politics, had they never taken any part in the scrimmage of factions and parties in Roman public affairs, the Christians might have quieted the fears of officialdom and secured a prompt and permanent release from persecution. But in that case Christianity might never have become the official religion of the Roman Empire. For it was politics, not piety, that got Christianity to the top of the heap. Somewhere between 54 A.D. and 323 A.D. the nature of the Christian movement underwent a profound metamorphosis; it became a religio-political rather than a purely religious movement, and thereby hangs a tale which modern doctors of divinity are disposed to treat with great reticence.

III

The Roman Empire was a republic transformed, during the early centuries of the Christian era, into a dictatorship by the military absolutism of the Caesars. Nominally the so-called emperor was simply *princeps senatus*—chief or prince of the senate—elected by that body to perform the functions of head of the state. Actually, however, the *princeps* bore about the same relation to the senate that Benito Mussolini, as prime minister, bore to the Italian parliament. Possession of the imperial office was determined by military might and political intrigue. Whoever could win the backing of the army, and especially of the Praetorian Guard, and could keep the people in line, could seize the office of “prince” and have his way with the senate. Once in power, he could be dislodged only by death or rebellion. Aspirants to the imperial purple eschewed no means that would further their ends; conspiracy and assassination became common and not particularly censured methods of climbing into the seat of authority; and every vacancy in the office of emperor was followed by a mad scramble for succession. Thus the Roman state became a boiling whirlpool of factional rivalry and Machiaevellian intrigue; scores of ambitious *politicos*, both in civil and military life, were constantly bidding for popular favor and conniving to secure every conceivable advantage in the struggle for power.

Willingly or unwillingly—the record does not speak clearly on this point—the Christian church was sucked into this maelstrom of political machination. Persecution probably had the effect of imparting to Christian propaganda a political significance which it did not originally possess, thereby heightening popular interest in Christianity and incidentally revealing to Christian leaders the practical advantages of political connections and political power. Be that as it may, the fact remains that as the Christian church multiplied adherents, acquired wealth and property, and perfected its organization, its secular concerns and contacts grew to the point where it could scarcely escape entanglement in the all-pervasive politics of the empire. The time came, in other words, when Christians were too numerous, too well-placed, and too well-solidified to be ignored by political strategists, and when Christian ecclesiastics could not be indifferent to the practical opportunities which gravitated into their hands.

As an upshot of the growing political consequence of the Christian church there came a gradual relaxation of the policy of suppression. Persecution became spasmodic, seldom occurring at all unless Christians happened to be suspected of affiliation with political alignments hostile to the party in power, and finally was abandoned altogether. Christianity took its place as a regularly licensed religion with legal privileges and powers comparable with those enjoyed by other religious bodies. Thenceforward the material progress of the church was much accelerated, though the same cannot be said of its spiritual progress. The Christianity, which in 313 A.D. was freed from all oppressive and discriminatory legislation by edict of the Emperor Constantine, and which in 380 A.D. was proclaimed the official and only lawful religion of the empire by the Emperor Theodosius, had departed far from the simple creed of Jesus and the robust theology of Paul. By masterly tactics in the arena of politics it had captured an empire, had become the most formidable engine of religio-political authority the world had ever known; but for this triumph it had paid an enormous price, the evidence of which was borne on its very face. No longer was it pure Galilean Christianity, but a hybrid thing in which a residue of Christian elements were mingled with borrowings from almost every pagan creed which it had supplanted in the struggle for supremacy. The Christian church had conquered, but not the Galilean.

The Roman Empire was destined shortly to bisection, the eastern half maintaining its capital at Byzantium (later Constantinople) and the western half continuing its capital at Rome. The church likewise was divided, the eastern branch forming the Hellenic or Greek Catholic Church and the western branch the Roman Catholic Church. Our chief concern is with the latter.

The bishop of Rome very early had acquired a unique priority among Christian prelates, partly because of the assiduously cultivated legend that the first incumbent of this episcopal chair was the Apostle Peter, who supposedly had endowed it with the paramount sacerdotal authority he was alleged to have received directly from Christ; but mainly, we may be sure, because of the close conjunction of the Roman see and the high politics of the imperial capital. The division of the empire increased rather than diminished the prestige of the bishop of Rome; for the Western Empire soon began

to disintegrate, and this brought the Roman primate to the fore in a remarkable way. Not only could he assume to be the successor of Peter, but also, because of his special position at the capital, of the *pontifex maximus*, or chief priest, of pre-Christian Rome. In the disorders arising from the unending civil wars and barbarian invasions which afflicted the Western Empire, the bishop of Rome was, therefore, about the only person whose claim to general authority was widely recognized. In many instances where the old civil régime had broken down the Roman bishop was called upon to function as a civil ruler, and this priority was further accentuated by the fact that many of the invading tribes of barbarians had been wholly or partially Christianized, and consequently held the bishop of Rome in special esteem.

Formally the Western Empire came to an end with the deposition of Romulus Augustulus in 476. By this time the bishops of Rome had so enormously enlarged their influence and so thoroughly consolidated their authority that they were able to establish a new empire upon the ruins of the old—an empire remarkably similar in some points of construction to the Roman Empire of old, yet different in many respects from any empire that ever existed. The bishop of Rome became the pope, imperial head of an ecclesiastical hierarchy embracing all of western Christendom. Like a Roman emperor, he was chosen by a senate (the college of cardinals), and further, like a Roman emperor, he actually ruled as an autocrat. From the throne of St. Peter he declared the will of God and made law in matters spiritual for the whole body of the western church; from the same eminence he also governed large secular dominions which had become the property of the papacy, and further presumed to interfere in and exercise pervasive authority over the temporal government of vast domains belonging not to the papacy but to feudal potentates throughout all of the western world. For, according to the political theory then in process of evolution, a universal empire still existed despite the partitioning of Europe into scores of separate political entities.

IV

Of purely political thought the patristic age of the Christian church produced next to none, although there was no dearth of scholars and writers who gave utterance, in theological and reli-

gious works, to political views which clearly foreshadowed the major tenets of the political doctrine subsequently adopted by the church. Greek Christianity, being confined to the politically vigorous and long-surviving Byzantine Empire, devoted itself almost exclusively to philosophical speculation concerning religious doctrines and dogmas; but Latin Christianity, being established in the politically feeble and rapidly crumbling Western Empire, was forced to occupy itself with problems of government and administration. Even in the pietistic and inspirational literature of the early Roman Church the political concerns of the clergy thrust themselves forward. This is impressively illustrated by the case of St. Augustine, the man declared by Mr. Foakes-Jackson to be "the most important figure in church history since St. Paul."¹

This sainted African bishop was born in the Roman province of Numidia (in northern Africa) in 354 A.D., of a pagan father and a Christian mother. The father, an impoverished Roman official, perceived that the boy was a brilliant student and sacrificed everything to give him the best education possible. He was specially trained as a rhetorician and launched upon what promised to be a great career as a scholar. Although his mother had diligently instructed him in the Christian faith, he was apparently so little impressed that he grew to manhood without making any Christian professions. If his morbidly self-revealing *Confessions* are to be believed, he became a dissolute rake and sowed a bounteous crop of wild oats. He imputes to himself almost every sin in the catalog, including the acquisition of a mistress and the fathering of an illegitimate son.

Upon finishing his education, he set up as a teacher of grammar in his home town, and about the same time embraced the Manichaean religion, which was a combination of Zoroastrianism and Christian Gnosticism. But as he proceeded with his philosophic studies he became increasingly dissatisfied with Manichaeism and with life in his native city. In the spring of 383, therefore, he migrated to Rome. There his only contacts were with Manichaeans, and as a result his discontent grew more intense. Soon he was invited to go to Milan as a teacher of rhetoric, whereupon he broke with Manichaeism and became a skeptic. Later he took up neo-

¹ F. J. Foakes-Jackson, *The History of the Christian Church to 461 A.D.* (7th ed., 1924), p. 490.

Platonism. But his life in Milan soon brought him into contact with the great Ambrose, Christian bishop of Milan, the prelate who had dared to defy the Roman emperor and declare that the emperor had no jurisdiction over a Christian church, saying that in matters of religion bishops were wont to judge emperors, not emperors bishops. To the compelling eloquence of this majestic and magnetic man Augustine yielded and was converted to Christianity. Immediately he became an active and zealous churchman. After spending some time in literary work at Rome, he returned to his native Africa where he was made bishop of Hippo. The remainder of his life was devoted to the service of the church, whose leading champion in the field of letters he quickly became. He died in 430 A.D., at the moment the Vandals were laying siege to his city.

St. Augustine was a prolific author, but it is not difficult to name his greatest book. This distinction clearly belongs to *The City of God* (*De Civitate Dei*), of which it has been said that it laid the foundations of the Holy Roman Empire and paved the way for the complete subjection of the state to the church.¹ In 410 A.D. Alaric the Goth captured and sacked the city of Rome. For three days the pillage lasted, and when it was done the world stood aghast at the portentous significance of the event. The Eternal City had fallen; the hub around which civilization had turned for upwards of eight centuries had gone to smash; the once proud mistress of the whole Mediterranean world had been brought to the nadir of shame and humiliation. Such, the foes of Christianity were promptly heard to say, was the penalty Rome must pay for deserting her ancient gods. Had she shunned the debilitating faith of the Nazarene and remained steadfast in her old ways, she never would have come to such a fate. To refute this sophistry and provide a political credo for Christians, St. Augustine wrote *The City of God*.

Neither Rome nor any other city, he contended, had ever been saved by its gods. It was absurd to expect such a thing. Christianity could not save Rome, but it did do much to mitigate the horrors of the barbarian conquest, and the very people who now scoffed at Christianity were among those who had fled to the churches for

¹ Cf. R. H. Murray, *The History of Political Science from Plato to the Present* (1926) p. 43; also J. Bryce, *The Holy Roman Empire* (rev. ed., 1904), p. 94n.

protection, well knowing that the Goths were Christians and would respect the Christian sanctuary. No weakness of Christianity was responsible for what had happened; God, in His infinite providence, had permitted the destruction of Rome as a step in the fulfillment of His ultimate plan of establishing the City of God among men.

The vicissitudes of empire, reasoned the mitred African doctor, do not have their origin in chance. The God who marks the sparrow's fall also regulates the rise and fall of empires. It is all part of a divinely foreordained plan. The details of this plan may not always be clear to human beings, but its objective is the *Civitas Dei* (City of God), wherein men shall realize eternal peace and see God as He is.

We live, however, in a world of dual character, consisting of an earthly commonwealth (*civitas terrena*) and a heavenly commonwealth (*civitas superna*). The former, which includes any terrestrial authority not deriving directly from the will of God, has worldly wisdom and worldly power, but is dependent upon the latter for the attainment of perfect justice. The celestial commonwealth is not to be viewed as a kingdom in the skies, but as a heavenly régime on earth, the saved being its citizenry and God its ruler. These two may exist side by side and frequently intermingle and overlap. Because it deals with spiritual things, the church serves as a concrete embodiment of the heavenly commonwealth, and the state, because it deals with material things, bodies forth the earthly commonwealth. Ideally the two should be so completely fused that the distinction between secular and spiritual would disappear. That, however, is not yet practicable. The church strives to realize on earth the *civitas superna*, and the state, in so far as it is Christian, is linked with the church and functions as its secular arm. In this capacity the state has authority from God; otherwise it is nothing but wholesale brigandage.

Rights, according to St. Augustine, are of two kinds, divine and human. The latter flow from the laws of the state acting within its proper sphere. When it acts in this sphere, men are duty bound to obey it; but not when it acts in the sphere of religion or morality. In this field the church is supreme and is responsible only to God. But this fact does not justify a refusal to be bound by the laws of earthly sovereigns by simply alleging them to be *ultra vires*. Only the church can determine such matters.

"Dim as the outline of the *De Civitate Dei* may be," says a recent writer on the history of political science, "St. Augustine had unquestionably drawn a new ideal of the Kingdom of God on earth, in which the Empire should take its place within the Church, and the Church through it should govern the world."¹ No other figure in Roman Christianity exerted a greater influence upon the political ideology of mediaeval Europe than this scholarly African prelate of the fourth century. The *De Civitate Dei* became the book of the hour, and was widely read by laity and clergy alike. It made a deep impression upon Charlemagne, Otto the Great, and other mediaeval princes, and doubtless was a potent factor in determining their attitude toward the church.

Of course the dual polity idea was not St. Augustine's alone. Many others interpreted the conditions of the time in much the same way, but none expressed their views so eloquently and convincingly as the author of *The City of God*. He wrote, though possibly not intending it, the political platform of the Roman Church. Pope Gelasius some sixty years later declared that, although in pre-Christian times secular and spiritual authorities apparently had been united, a true union of the two could occur only in Christ acting both as King and Priest. But Christ had chosen to divide them, commanding his followers to render unto Caesar the things that were Caesar's and unto God the things that were God's. To the state was assigned the temporal sphere of authority and to the church the spiritual. In its own sphere each authority was independent of the other; but there were many particulars in which they were mutually dependent, and some points where they came into conflict. Divine authority, however, was higher than human authority, and was therefore bound to prevail.

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CHAPTER VIII

LORDS TEMPORAL AND SPIRITUAL

I

THERE are many definitions of mediaevalism—almost as many as there are writers on the subject—and, of course, correspondingly numerous and varied explanations of feudalism and the Holy Roman Empire. From the standpoint of political thought the professorial minutiae which furnish bases for this wide assortment of opinions are of no great importance. To follow the main channels of political thought in the mediaeval period we have only to keep our attention fixed upon certain major forces which basically conditioned the political processes and moulded the political ideology of the Middle Ages. These are: (1) the polity and political theories of the Roman Catholic Church, (2) the rise and spread of feudalism, (3) the revival of the imperial idea, and (4) the beginnings of nationalism.

Of the political turn in the development of the Roman Church we have already spoken, but somewhat more is needed to explain the prompt and seemingly pusillanimous surrender of secular rulers to the temporal pretensions of the vicars of Christ. In the present age of spiritual individualism it is difficult to appreciate the powerful hold of the clergy upon mediaeval society. It is an ancient axiom that men are moved by their fears as much as by their faiths, and the fears, let us remember, of the people of mediaeval Europe were many and terrifying. Greatest of all was the fear of everlasting torture in hell. Pre-Christian religions had paid but slight attention to the question of life after death. Some sort of shadowy existence in the nether regions was assumed to be the fate of departed souls; but there was nothing very real about it, nor did it involve such considerations as the resurrection of the body and the last judgment of the soul. Upon these points, however, Christianity was not only explicit but highly expansive. The future life was a certainty and the Christian preachers knew all about it. On the Last Day the dead would rise and face the final judgment of God. For the redeemed there would be eternal life in a heaven of seraphic delights; for the damned, eternal life in a hell of inconceivable horror. Redemption

from hell was not exclusively a matter of how one lived; no matter how righteously a man lived, he must take proper steps to propitiate the wrath to come or he would be lost; and no matter how sinfully he lived, if he took those steps, he could be saved.

The Roman Church claimed to have been invested with the function of segregating the saved from the unsaved. Had not Christ, in those memorable verses of the sixteenth chapter of Matthew, said unto Peter: "That thou art Peter, and upon this rock I will build my church; and the gates of hell shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven; and whatsoever thou shalt bind on earth shall be bound in heaven, and whatsoever thou shalt loose on earth shall be loosed in heaven"? And was not Peter the first bishop of Rome, founder of the Roman Catholic Church? For the believing Christian, prince or pauper, this closed the argument. Obviously no man could hope to enter into heaven without the blessing of the Roman Church, and no man branded with the censure of the church could expect to escape from hell. Equipped with this invincible weapon of authority over the credulous—and there were few of any other type after the eclipse of the classical cultures—the church was ready to measure arms with any secular ruler who might question her right to the supreme loyalty of all Christians.

Nor did she lack other resources to reinforce this potent weapon of sovereignty. She had organization—the best in the western world at the time—wealth, and brains. Her organization had been built up in the closing decades of the Roman Empire, when, as custodian of the official religion of the Caesars, she had enjoyed the assistance of that titanic political mechanism in stamping out opposition and consolidating her strength; her wealth was partly a heritage of imperial days and partly the result of tithes collected from the faithful by the obedient clergy of every land; her brains were due principally to two facts: first, that she had obtained a virtual monopoly of education, and, second, that she alone, in the turbulent days of feudal Europe, seemed able to offer to able and ambitious men a career in which the rewards would be great and sure.

The feudal society of the Middle Ages has been ascribed to so many different sources that one may safely conclude that it is of composite origin. Undoubtedly its roots run back into the pre-Christian days of the Roman Empire. In the Roman system of pa-

tron and client, and similarly in the Roman system of military tenures and the sacred hierarchy instituted by the early Caesars, we see palpable antecedents of feudal institutions. But the Teutonic idea of personal rather than political allegiance, and of rights and duties attaching to individuals as such and not as members of the state, must also be credited with a considerable contribution to the growth of feudal society. Nor would there seem to be any doubt that the Christian Church, through the caste patterns which obtained in its priestly hierarchy, materially abetted the growth of the feudal idea, and that to a degree at least, as Bryce observes, knight-hood was constructed on the analogy of priesthood.

The important thing for us to consider is not what caused feudal society, but what feudal society caused to happen to political authority. The anarchy following the disintegration of the Western Empire placed the small landowner in a defenseless position, and the most immediately practicable thing for him to do in order to gain security was to consign his estate to a neighboring baron and receive it back as a fief. This would entitle him to the shelter of the baron's castle and the aid of the baron's troops. In order to augment their military strength, large landholders, who almost invariably were nobles, found it expedient to apportion their estates among the neighboring gentry as fiefs. The holder of the fief, known as a *vassal*, was bound to bear arms for his lord or *suzerain*, to aid him in various other ways, and to render unto him certain dues in money and military service. The suzerain on his part was bound to protect the vassal from attack and maintain him in possession of his estate. By the infinite elaboration of this practice of infeudation and by its intricate intertwining with the political and ecclesiastical institutions of the time, there developed an order of society in which political authority was more confusingly segmented than the parts of a Chinese puzzle. Except for serfs and others in thralldom, everybody was the vassal of somebody, often of several somebodies; and everybody, save those of lowest rank, was in turn likely to be at the same time the suzerain of one or more somebodies. A man might become the vassal of one suzerain in respect to this property, of another in respect to that, and of a third in respect to the other; and he might then become the suzerain of subvassals in respect to all or portions of the estates held in fief from his various suzerains. Europe became a Dismal Swamp of individual feudal allegiances. The only au-

thority which had any uniform or universal recognition was that of the church, which was supposed to be essentially spiritual. However, the church, by reason of its ownership of vast amounts of real property, became itself involved in the tortuous intricacies of the feudal system, a fact which eventually proved to be the most vulnerable point in its organization.

The disintegration of the dominions of Charlemagne added further confusion. This Frankish conqueror, by seizing one domain after another, had become overlord of most of the territory now included in France, Belgium, The Netherlands, Switzerland, western Germany, Austria, Czechoslovakia, and northern Italy. Being the most powerful potentate in Europe and a zealous Christian, he was invited to Rome in the year 800 to act as mediator in a controversy between Pope Leo III and certain of his political opponents. In celebration of the satisfactory settlement of the dispute the pope held a magnificent religious service in St. Peter's on Christmas Day. While Charlemagne was kneeling at the altar, Leo placed a crown on his head and saluted him as "Emperor of the Romans." Though he always protested that he was taken entirely by surprise by this papal coronation, Charlemagne did not decline the honor and continued to bear the title until his death. Theoretically he had become the successor of the Caesars, but actually he was no such thing. The old Roman Empire was dead beyond resuscitation, for one thing; and the legal competence of the pope to bestow secular crowns of any kind was certainly open to question.

Upon Charlemagne's death in 814 the imperial title began to cause trouble and continued to be a source of violent controversy until its final abolition by Napoleon nearly a thousand years later. Soon after the death of Charlemagne his empire was partitioned among his descendants and quickly melted away; but the glamorous title of Emperor survived the dissolution of the empire and furnished occasion for numerous rivalries and disputes until 924, when the last of the Carolingians died. In the *mêlée* which followed, the German king, Otto, was besought by the pope to invade Italy and make an end of the anarchy which existed there, and the imperial crown was held out as a lure. Otto accepted the invitation, did the job assigned to him, and forthwith received the title of Emperor from the pope in 962.

This second reëstablishment of the empire is usually said to mark

the beginning of the Holy Roman Empire. Otto undoubtedly believed that he had been invested with all of the functions of the Caesars and a few additional ones into the bargain; the papacy, however, took a different view of the matter, and so did the numerous feudal potentates over whom Otto claimed suzerainty. Abstractly, however, the doctrine of what Bryce calls the "mystic dualism" was pretty generally accepted. All Christians supposedly were under a dual régime. The pope was God's earthly representative in matters spiritual and the emperor in matters temporal. Each in his sphere had universal authority, and no conflict between them was possible because each was indispensable to the other and would aid and support the other.

While popes and glory-seeking potentates were vainly striving to reëstablish universal government in Europe, the unstayable march of events was laying the foundations of nationalism. The different Latin dialects which had been spoken in various parts of the Roman Empire were gradually crystallizing into national languages—French, Spanish, Italian, and other Romance tongues. The Germanic dialects were likewise evolving in the same direction. English, German, Danish, and other Teutonic tongues were beginning to be definitely differentiated. At the same time powerful feudal lords, by means of conquest, marriage, and inheritance, were building up domains to correspond roughly with the dispersion of languages. Linguistic and cultural kinship were beginning to be associated with territorial unity. Memories of Rome and the past were becoming dim; in every part of Europe people were developing a new and particularistic historical consciousness. Roman legions no longer maintained stability and order; whatever was done in this direction was done by the local lords. The Greek spirit of local patriotism, long repressed by the hand of universal government, was beginning to bloom again.

It was out of the turmoil born of the complex interactions of these colliding forces—the church, the feudal system, the empire, and incipient nationalism—that mediaeval political thought was produced.

II

No such loving condominium as that supposed to be shared by the Roman Catholic Church and the Holy Roman Empire ever

existed in fact, or could exist so long as both were directed by human beings. Even lovers have their quarrels; and the church and the empire soon discovered that their alliance was a marriage not of love but of convenience. The church, despite its spiritual ideals, had become so encumbered with material possessions and so preoccupied with the management of its vast properties that it was for all practical purposes a secular concern. As such it was involved in almost every move of the stormy politics of the period and stood in constant need of potent allies. The empire, as an empire, was a fiction of course; but the emperor was a mighty feudal lord with grandiose monarchical ambitions, who could make excellent use of the imperial title and the friendship of the papacy in pushing toward the realization of his coveted goal of general suzerainty.

Not only does politics make strange bedfellows; it just as often causes the best of bedfellows to fall out. So it was in the case of the church and the empire. They were too intimate and too much alike in motive and interest to escape estrangement. Both were inextricably entangled in the delirious complexities of the feudal system; both were extravagant in their feudal claims and jealous of their pretended rights. Feudal proprietors—kings, dukes, barons, or whatever they might be called—were accustomed to grant fiefs to churchmen as well as to laymen. Thus bishops, abbots, and other clergymen became vassals of secular lords and subject to secular obligations. It was not uncommon likewise for an abbot or other head of a monastery, in order to secure military protection, to transfer the property of the brotherhood to a neighboring baron and receive it back as a fief. On account of the rule of celibacy in the clergy fiefs held by clergymen could not be hereditary as secular fiefs were, and consequently, when one of these fiefholding clergymen died, there was invariably a controversy over the choosing of his successor. Was this a spiritual or a secular function?

In the polity of the church from earliest times, bishops had been chosen by the clergy of the diocese, abbots by the members of the monastery, and so on. The church contended, therefore, that the right of filling vacancies in fiefs held by clergymen belonged to the clergy, as only the incumbent of a clerical office could hold the fief. The view of the secular suzerains was that the clerical quality of the appointment was secondary to its essentially feudal and secular character, and hence that the incumbent could not take

possession of this property without the approval of the feudal overlord. When the clergy refused to comply with their wishes, the secular lords often refused to hand over the property to the person designated as the successor by the ecclesiastical authorities. The church either had to yield or resort to measures of retaliation, of which there were chiefly three. Some rival lord might be induced to attack the renegade and thrash him into submission; he might be cast out of the church by excommunication; or his dominions might be placed under an interdict which prohibited all religious services and sacraments on which the salvation of the soul depended. The success of the church in the employment of these three measures depended as much upon its political as upon its spiritual power. Without political allies it had to rely entirely upon its ability by threats of wrath to come to terrorize the subjects of the recalcitrant into revolt. This was effective only in proportion as the arrogant lord was himself credulous enough to fear hell fire or too weak to terrorize his people into ignoring the commands of the church.

In addition to this controversy over *investiture*, as it was called, there were many other points of friction between temporal and spiritual authorities. One particularly thorny matter was the taxation of church property; another was the attempted performance of civil functions such as the coining of money and the collection of taxes by clergy in their capacity as vassals of secular lords; a third had to do with the discharge of feudal obligations by clergymen holding secular fiefs.

At first the church distinctly had the better of it. No temporal lord was strong enough to prevail against her. Her enormous wealth, her universal and smoothly functioning organization, her highly centralized polity, and her hold upon the superstitions of classes and masses, enabled her to rout all opposition. In the famous controversy between Pope Gregory VII and Emperor Henry IV over the question of investiture the pope's order of excommunication brought such a tremendous combination of forces into the field against the emperor that he feared to lose his crown and came hurrying to Canossa where the pope obliged him to appear at the door and kneel in the snow as a penitent pilgrim for three successive days before he would receive him. Some years later the political situation changed, and Henry had his revenge. He captured Rome and forced Gregory into exile. This contretemps, instead of break-

ing the might of the popes, served only to increase their bid for temporal power. Between the death of Henry IV in 1106 and that of the Emperor Frederick II in 1250 emperors contended with popes on substantially equal terms; but there was a marked decline of ability in the line of emperors from that time forward, and the papacy was left in command of the field.

Not for long, however, were the popes to enjoy unopposed supremacy. By 1300 strong national monarchies were appearing on the scene, and the rulers of these were not slow to challenge the temporal pretensions of the Vatican. Edward I of England and Philip the Fair of France made an issue of the clerical claim to exemption from taxation. These predatory princes had no such rank and prestige as the emperor, but they proved to be far tougher antagonists for the papacy. National feeling had grown to the point where the church began to be looked upon as an alien and parasitical institution, a feeling in no degree diminished by the notorious abuses which had crept into the management of the church and the practices of the clergy. It was so obviously not a holy institution that even the ignorant and the superstitious began to place patriotism above piety. National monarchs now were able to risk excommunication, interdict, and other papal weapons without much fear of serious consequences.

In laying hands on Philip the Fair of France the pope caught a Tartar, who fought with most un-Christian vindictiveness. When the French clergy, ordered by the pope not to pay taxes to the king, withheld the revenues of their estates, Philip countered by forbidding the exportation of gold and silver from his realm, a measure which so quickly and greatly curtailed the revenues of the papacy that the Holy Father was glad to compromise the matter. Subsequently, when the pope ordered Philip to free a certain prisoner held by him, the king immediately summoned the estates-general and won their promise to support him instead of the pope. Having had continuous trouble with Pope Boniface VIII, Philip decided to have a pope of his own making. Accordingly, upon the death of Boniface in 1303, he framed up a deal whereby the archbishop of Bordeaux was to be chosen pope and would thereupon transfer the papacy to France. This deal went through in 1305, and for seventy-two years thereafter the papacy functioned under the officious patronage of the French court. From this blow the papacy

never recovered. During the long "Babylonian Captivity" at Avignon its influence shrivelled both politically and spiritually. The Protestant Revolt was still a century and a half away, but the doom of universal authority both in politics and religion had already been sounded.

III

From the foregoing summary of political alignments in mediaeval Europe it is easy to understand why the political thought of the period should be classified as simply pro-papal and anti-papal. There was no other question of looming significance; it seemed to occupy the thoughts of men to the exclusion of all else. Of the scores of writers who composed polemic or philosophical treatises on this boiling subject we shall deal with only a few of the most typical and prominent on each side.

Foremost in point of time on the papal side of the controversy, and possibly foremost in point of practical influence, is the great Hildebrand, better remembered as the Pope Gregory who brought the emperor to his knees at Canossa. The doctrines of this imperious pontiff were conceived long before he assumed the papal diadem. Among his many writings is a very brief statement called the *Dictatus Papae*, which contains an excellent epitome of his political ideas. The pope, he declares, possesses a unique title and a unique office. He is the only universal bishop, and as such has complete authority over all other prelates. Without his sanction no council of the church may speak authoritatively for Christendom, and no book is authoritative without his approval. None may nullify a decree of the pope or pass judgment on his acts, but the pope as the vicar of God may nullify the decrees of all other earthly powers. He may depose emperors and absolve subjects from obedience to unjust sovereigns. The Roman Church is infallible and no one may be considered a Catholic Christian who does not agree with that church.

Next in the list of papal champions we have John of Salisbury, the English priest whose *Policraticus* is said to be "the earliest elaborate mediaeval treatise on politics."¹ Little is known about the life of this first English political theorist. He was born at Salisbury in England in the year 1115, and seems to have gone to Paris about

¹ J. Dickinson, *The Statesman's Book of John of Salisbury* (1927), p. xvii.

1136 to study under Abelard and other great teachers of France. About 1150 he was appointed secretary to Theobald, Archbishop of Canterbury, and continued in that position when Thomas Becket succeeded Theobald. Diplomatic and political work rather than secretarial routine seems to have been his principal employment in the see of Canterbury, and it is known that he went on several missions to Rome and other continental centers. In 1176 he was made bishop of Chartres, which diocese he held until his death in 1180. He was evidently a man of great erudition, and thoroughly familiar with the Latin classics. Greek classics at that time were available only indirectly and incompletely through the Latin. John's knowledge of Plato and Aristotle therefore leaves much to be desired.

The *Policraticus*, or *Statesman's Book*, was finished in 1159, and, as Dr. Dickinson points out in the preface of his translation, is purely mediaeval, being "the only important political treatise written before western thought had once more become familiar with the *Politics* of Aristotle." It is interesting, therefore, and significant to note, as the same writer reminds us, that John touched very lightly upon feudal theories, though feudalism was then at its highest development, but laid heavy emphasis upon the classical Roman conception of the state. In this he was not only a true churchman but was keeping alive a doctrine which secular rulers later were destined to borrow from the church and employ to her very great discomfiture. John of Salisbury views the state as an organic entity and likens it to the human body, saying, "The place of the head in the body of the commonwealth is filled by the prince. . . . The place of the heart is filled by the Senate. . . . The duties of eyes, ears, and tongue are claimed by the judges and governors of provinces. Officials and soldiers correspond to the hands. Those who always attend upon the prince are likened to the sides. Financial officers and keepers (I speak now not of those who are in charge of the prisons, but of those who are keepers of the privy chest) may be compared with the stomach and intestines. . . . The husbandmen correspond to the feet, which always cleave to the soil, and need the more especially the care and foresight of the head, since while they walk upon the earth doing service with their bodies, they meet the more often with stones of stumbling, and therefore deserve aid and protection all the more justly since it is they

who raise, sustain, and move forward the weight of the entire body.”¹

But the sovereign of the body, says the secretary of Canterbury, is the soul, and the analogue of this in the state is the practice of religion and the worship of God. “And therefore those who preside over the practice of religion should be looked up to and venerated as the soul of the body,”¹ and manifestly should have rulership over the whole thereof. The primacy of the church is thus made clear beyond question. The prince, by divine governance, is placed at the apex of the commonwealth, “sometimes through the secret ministry of God’s providence, sometimes by the decision of His priests, and again it is the votes of the whole people which concur to place the ruler in authority.”² But the Scriptures show that notwithstanding the mode by which the ruler comes into power, he is always regarded as having been ordained by God and is held responsible for doing the will of God. “For all power is from the Lord God, and has been with Him always, and is from everlasting. The power which the prince has is therefore from God, for the power of God is never lost, nor severed from Him, but He merely exercises it through a subordinate hand, making all things teach His mercy and justice.”³

Law, says John, is but the interpreter of God’s equity and justice, and the prince is merely the minister of the common interest and the bond-servant of equity. Apart from that which law or equity enjoins or the calculation of the common interest requires, he can have no will in public matters. He bears the sword of justice and sheds blood blamelessly as the agent of the divine will. This sword, however, “the prince receives from the hand of the Church, although she herself has no sword of blood at all. Nevertheless she has this sword, but she uses it by the hand of the prince, upon whom she confers the power of bodily coercion, retaining to herself authority over spiritual things in the person of the pontiffs. The prince is, then, as it were, a minister of the priestly power, and one who exercises that side of the sacred offices which seems unworthy of the hands of the priesthood. For every office existing under, and concerned with the execution of, the sacred laws is really a religious office, but that is inferior which consists in punishing crimes, and

¹ *Ibid.*, pp. 64–65.

² *Ibid.*, p. 83.

³ *Ibid.*, p. 4.

which seems to be typified in the person of the hangman. Wherefore Constantine, most faithful emperor of the Romans, when he convoked the council of priests at Nicaea, neither dared to take the chief place for himself nor even to sit among the presbyters, but chose the hindmost seat.”¹

Our next champion of the papal cause is Thomas Aquinas, the sainted Aristotle of the Middle Ages. Doctor Angelicus and Doctor Universalis he was frequently styled, and the catholicity of his scholarship did not belie such titles. Born in 1227 of a noble family in the old kingdom of Naples, Aquinas devoted himself from early youth to the pursuit of learning. He studied in Cologne and Paris under the greatest masters of the day, and entered the Dominican order, to the service of which he gave the remainder of his life. As a teacher and writer he quickly gained a prodigious reputation and was soon recognized as the intellectual paladin of the church. The Roman Church had now become a gigantic temporal organization with political difficulties to face in every part of Europe. The Crusades had shaken the foundations of feudalism, and the spirit of nationalism was beginning to ferment among the children of the church. The revival of classical learning was also on its way, the works of Aristotle and other great philosophers of Greece having been lately recovered and made available to the world again.

“In this new world,” says Doctor Jászi, “the Roman Catholic Church urgently needed a comprehensive and systematic theory which would put the early traditions of Christianity in harmony with the exigencies of the world diplomacy of the papal power. This task was admirably accomplished by St. Thomas, not so much by the originality of his ideas or the brilliancy of his analysis, as by his extraordinary gift for combining and unifying very different elements of thought in an apparently logical and convincing system. This endeavor of the great scholastic is vigorously characterized by Bluntschli in saying that his work was an attempt to graft the theological idea of the church and the highness of the pope, as a noble twig, on the wild stem of the Aristotelian theory of state. In order to accomplish this task he built a gigantic edifice of thought in which he amalgamated certain Platonic traditions and the whole system of the great Stagirite with the Roman law,

¹ *Ibid.*, p. 9.

the Bible, and the writings of the Fathers and other great theologians of the Church.”¹

This scholastic confection is to be found chiefly in St. Thomas' unfinished treatise, *De Regimine Principum* (*The Rule of Princes*), and his *Commentaries on the Politics of Aristotle*. Professedly he is a disciple of Aristotle, basing his political philosophy on the Aristotelian premise that man is naturally and necessarily a social animal. Man could not exist without society, he declares, and society must have government. The *sine qua non* of good government is unity; and the greater the unity, the better the government. This, he opines, is the teaching of history, though it is true that united power has evil as well as good possibilities. To guard against the former, the right sort of person must be secured as monarch, and his power must be so limited that he cannot become a tyrant. Should this fail, the despot may be deposed, though revolution is to be discouraged as being generally a greater evil than the one it seeks to cure. The ruler's supreme duty is to secure the welfare of his people, and in doing this he will find his greatest happiness; for then the people will love and sustain him and desire to retain him in power.

By beautiful examples of syllogistic art the Neapolitan scholastic deduces the following conclusions as to the nature of law: (1) that, “since law is a rule and standard of human action, it is necessarily related to reason”; (2) that, “since law is the rule of human conduct, the ultimate end of which is happiness, and, indeed, the common happiness, it is necessarily always ordained for the common good”; (3) that, “since law ordains the common good, law can be created by the reason, not of any individual, but of the multitude, or of the prince acting for the multitude”; (4) that “since law is established as a rule which is to be applied to those upon whom it is imposed, it is necessary, in order that it may have obligatory force, that it should be promulgated and brought to the notice of those who are subject to the law.”² Four kinds of law are recognized as embracing all law—eternal law, natural law, human law, and divine law. Eternal law is the law by which God governs the universe; natural law is the rule of reason which man evolves by participation in eternal law; human law is natural law made active

¹ K. F. Geiser and O. Jászi, *Political Philosophy from Plato to Jeremy Bentham* (1927), pp. 91–92.

² Quoted from excerpts of Aquinas' *Summa Theologica* in Coker, *Readings in Political Philosophy* (1938), pp. 211–214.

in earthly affairs by the application of human reason; divine law consists of special revelations to supplement the other three types. The first and the last are of special concern only to theologians, but, in reviving and refurbishing the Roman doctrine of natural law and in stressing the rational and volitional elements in human law, St. Thomas made a far-reaching contribution to political thought. His conception of natural law does not pre-suppose the existence of universal and immutable canons of right reason, but rather of a body of rational precepts which may change and grow as human reason and human conditions undergo change and development. Human law—the ordinary law which governs men in society—should be a rational outgrowth of natural law, but this does not mean that any irresponsible person's cogitations can give birth to law. The reason which furnishes the sanction for human law must have its origin in the thought and will of society as a whole or in some person authorized to speak and act for society as a whole.

Though it be an indispensable ingredient in human society, political authority, according to the Thomistic view, like all authority, is derived from God. Man's dominion over man is held to be of two kinds: one which results from sin and takes the form of slavery, and one which results from the social instinct that God has implanted in man, and takes the form of civil government. The Christian metaphysician of the thirteenth century furnished slave-owners their most comforting argument. Whereas Aristotle had justified slavery solely on the ground of inequalities of ability, the sainted Dominican saw it as a divine expedient for the punishment of sin, a righteous and holy institution which followers of the lowly Nazarene could conscientiously defend.

The second type of dominion Aquinas divides into four classes: (1) sacerdotal and royal, (2) royal, (3) political, and (4) economic. Only the first of these requires our attention. Sacerdotal and royal authority, says the learned doctor, is the highest type and is exemplified only in the papacy. The purpose of government, he asserts, is to elevate man to his true end, which is the life of highest virtue. Human wisdom and virtue are not sufficient for this, and consequently pure royal authority must be reinforced by priestly authority under the law of Christ. The pope, as the head of Christ's church, has authority covering all matters of sin, and this places him on a plane above all kings and civil rulers. He is the royal head of a

system of government which transcends all temporal affairs, and includes within its jurisdiction all Christian peoples and their sovereigns. Temporal authorities are to be obeyed in so far as their limited power is sufficient for the realization of the Christian state, but beyond this point papal supremacy is not to be denied.

IV

Philip the Fair of France was surrounded by a group of smart lawyers whom some historians credit with being the actual rulers of the country. That the king did closely follow their advice is established beyond doubt. These clever jurisconsults, through the study of Roman law, had conceived a tremendous admiration for the unified and absolute authority enjoyed by Roman emperors, and had fortified themselves with arguments to show that such authority should be enjoyed by temporal monarchs. They were ready, therefore, when Philip became embroiled with Pope Boniface VIII, to rush to his aid a powerful battery of plausible arguments to put the pope entirely in the wrong. Two of these impious French jurists deserve particular mention. They are John of Paris and Peter Dubois.

John of Paris wrote an elaborate treatise on kingly and papal power in which he laid down the proposition that the authority of the kings of France was traceable to pre-Christian times; that the Franks never had acknowledged the suzerainty of the Roman emperor, the pope, or anybody else. A universal church with a monarchical head may be necessary in ecclesiastical affairs, thinks John, but that such universality of authority is necessary or desirable in secular affairs he categorically denies. He advances many strong reasons, both theoretical and practical, to support the thesis that diversity of authority is not only desirable but inevitable in secular affairs. He emphasizes such things as the differences of race, language, and economic interest which exist among the various peoples, the unavoidable conflicts between them, and the fact that property, the feudal basis of dominion, is local in its origin. Even as to the property of the church situated in different countries, he argues that the pope is to be regarded as a steward, not as an owner. Should the pope be unfaithful in this stewardship, John says he may be deposed.

Much less polite were the arguments of Peter Dubois. Supposing

that the pope does have a valid theoretical claim to primacy over temporal rulers, he says, What of it? It takes force to exercise authority, and the pope has no force to back up his pretensions. The pope's job, he sarcastically remarks, is to save souls, not to command armies. Let him, therefore, keep his meddling fingers out of politics, where he only contrives to send a lot of innocent people to hell, and concentrate on his priestly function, in which he might do some good. Still another reason why popes ought to keep out of politics, he says, is that they almost invariably are decadent old men who have no capacity for temporal affairs and lack the family connections and inherited influence necessary to success in secular government. The wise thing, then, for the popes would be to mind their knitting and turn over their temporal interests to powerful princes such as the king of France, who can look after them properly.¹

Seventeen years after Philip had moved the papacy to Avignon Pope John XXII got into a violent row with King Lewis of Bavaria. By a decisive victory over Frederick of Austria in 1322 Lewis mounted to the top of the pile in Germany and made ready to seize the imperial crown. The pope had other ideas about the matter however; and, when Lewis ignored his opposition, the man of God grasped his trusty weapon and let go both barrels—excommunication and interdict—against the unruly monarch. But the broadside had little effect. National feeling in Germany was with Lewis—the pope was looked upon as a tool of France—and Lewis was also able to enlist the aid of the powerful Franciscan order, which was at the time engaged in a furious controversy with the pope on its own account. Two Franciscan friars, William of Ockham and Marsiglio of Padua, became confidential advisers of Lewis and wrote in behalf of his cause a series of diatribes against the pope.

William, though the more prolific writer, made no particular contribution to political thought; but Marsiglio has been characterized as “the most original thinker of the fourteenth century,” “a man who pierced the fundamental secrets of statesmanship more deeply than any of his contemporaries” and one who “not merely divined the Europe of his own day, but also . . . divined the Europe of ages unborn.”² Of the life of this remarkable man we

¹ This and the preceding paragraphs are based largely on W. A. Dunning, *A History of Political Theories: Ancient and Mediaeval* (1902), pp. 225-229.

² R. H. Murray, *The History of Political Science from Plato to the Present* (1926), p.

little is known. He was born at Padua about 1270, studied for holy orders, and is also said to have studied and practiced medicine. He taught in the University of Paris and was rector of the University in 1312. He is also said to have seen service as a soldier. Where he acquired his heretical ideas is not known. Upon the excommunication of Lewis of Bavaria, Marsiglio and his friend and collaborator, John of Jandun, left Paris and attached themselves to the court of the Bavarian monarch, presenting Lewis at the same time with a book which they had just written and called *Defensor Pacis*. Through Lewis, Marsiglio secured the appointment of archbishop of Milan, but for some reason never took office. Of the remainder of his life there is no record, save that he died and was buried, in the Franciscan church, at Munich about 1349.

The *Defensor Pacis* (*The Defender of the Peace*), though written in collaboration with John of Jandun, is generally held to be primarily the work of Marsiglio. As its title implies, the purpose of the work is to point the way to the restoration of universal peace, which the authors hold to be the greatest need of human society. Law, they say, has its origin in the people; that is to say, in the whole body or at least the most important part of the citizens. The head of the government should be elected or appointed by the people, and should be circumscribed in such a way that he cannot put himself above the laws. He should be made responsible to the people for all breaches of law, and in case of serious offense they should have the right to put him to death.

The cause of most of the turmoil which afflicts Europe is said to be the papacy. By a series of usurpations, it is argued, the pope has gained a fictitious power which he uses with disastrous consequences to the peace of nations. To correct this, all clergy, including even the pontiff himself, should be deprived of all coercive authority and all power to impose the observance of divine law. Even heretics should be condemned by civil rather than ecclesiastical tribunals. Wishing to see the clergy practice holy poverty, the *Defensor Pacis* recommends the suppression of tithes and the seizure by the secular authorities of the property of the church. Not only its wealth but even its independence should be taken from the church, think these radical friars, for they boldly propose that all benefices shall be filled by the civil authorities. The pope they would reduce to the same rank as other bishops and would allow him no power to inter-

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pret the Scriptures or define dogmas. His primacy should be entirely of the honorary kind, and he should be elected by the Christian people or their representative. The supreme authority of the church should be a council summoned by the emperor.

Returning to the Greek and Latin point of view, the *Defensor Pacis* holds the political state to be the greatest of all institutions, being responsible on the one hand for man's welfare in this world, and on the other to safeguard it for the world to come. Christ did not confer temporal functions on the church, it is said, and did not intend to. The term *ecclesia* in the original Greek, as used by St. Paul and possibly by Jesus himself, did not refer to clergy or churches, but to an assembly of the whole body. Wherefore it may be reasoned that the body politic is the *ecclesia*, and the clergy just one portion of the whole. What the clergy get from God is the quality of priesthood; the right to perform priestly functions in any given place must come from the body politic through its properly constituted civil authorities. "To live and live well—that is, as is befitting for man—has been customarily regarded under two aspects—the temporal or mundane, and the eternal or celestial. What eternal life is, the whole company of philosophers have not been able to show; nor is it among the things which are manifest in themselves; therefore, the philosophers have not concerned themselves with teaching the things which pertain to that sort of life. But concerning living and living well, in the mundane sense of the good life, and concerning the things which are essential to that life, renowned philosophers have given an almost complete demonstration. They have reached the conclusion that for fulfilling that life a civil community is necessary; for perfect life cannot be attained otherwise."¹

"Such," remarks Noel Valois of the *Defensor Pacis*, "is this famous work, full of obscurities, redundancies and contradictions, in which the thread of the argument is sometimes lost in a labyrinth of reasonings and citations, both sacred and profane, but which nevertheless expresses, both in religion and politics, such audacious and novel ideas that it has been possible to trace in it, as it were, a rough sketch of the doctrines developed during the periods of the Reformation and of the French Revolution. The theory was purely democratic, but all was ready to be transformed, by means of a

¹ From excerpts of the *Defensor Pacis* in Coker, *Readings in Political Philosophy* (1938), p. 247.

series of fictions and implications, into an imperialist doctrine; and in like manner it contained a visionary plan of reformation which ended, not in the separation of the church from the state, but in the subjection of the church to the state.”¹

The poet Dante should perhaps be given brief mention among the anti-papal thinkers of the Middle Ages, not because of the imposing character of his political writings, but because it is significant that this superb literary genius, perhaps the greatest of mediæval times, should have written anything of a political nature and particularly of an anti-papal nature. The *De Monarchia* of Dante was a scholarly work which he wrote in Latin for the purpose of making an argument for a universal empire. Sickened by the interminable wars and fratricidal conflicts of his day, his mind turned back to the *pax Romana*. The only way to put an end to the anarchy resulting from the countless rivalries of princes and peoples is, he thinks, for all to be joined together as semi-autonomous member of an all-inclusive super-state over which a universal emperor would preside. In such an empire there would be no place for a papacy exercising secular power, for the emperor would derive his power directly from God without papal intervention. After an exhaustive examination of papal claims, he comes to the conclusion that none of them are tenable anyhow, and that the pope has never received from God, from any emperor, or from any popular grant, any share in temporal authority.

Some writers have professed to see in Dante's *De Monarchia* a forerunner of latter-day philosophies of international government; but it is well not to impute too much to the vision of the great Florentine. Certain similarities do exist between the *De Monarchia* and some contemporary doctrines of internationalism, but the evidence of kinship is not too convincing.

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CHAPTER IX

STRANGE INTERLUDE

I

WITH the swirling torrent of controversy between church and state racing headlong toward that precipice of violence, whence it would dash into a furious cataract of savagery and bloodshed, there intervened, before the final dénouement, a strange interlude in the course of political thought; one of the most formative and yet paradoxical periods in the entire history of political literature. The closing decades of the fifteenth and the first two or three of the sixteenth centuries constitute one of the most memorable epochs of change in the story of western civilization; a time of momentous beginnings, and of equally momentous endings of much that had been counted fundamental since the end of classical civilization.

In this Protean span of time the art of printing was born, and something like eight million books, so it is estimated, were scattered broadcast throughout western Europe. Such a deluge of reading matter the world had never before experienced. The same period saw the discovery of America, the first circumnavigation of the globe, the opening of unknown continents, the rise of unforeseen possibilities of commerce, and the first stages of the inevitable shift of the theater of world events from the Mediterranean to the Atlantic. The revival of classical learning, commonly known as the Renaissance, reached its culmination in this same epoch; and the European mind once and for all shook itself free from the shackles of mediaevalism and sought inspiration in the great models of Greek and Roman antiquity. The year 1453 witnessed the capture of Constantinople by the Turks, an event which marked the fall of the Byzantine Empire and the breaking of the last tie between the politics and politics of ancient and of modern times. Feudal society by this time was also hastening to ruin, and the Roman Catholic Church had ceased, except in name, to be either catholic or Roman. It was an age also of prophetic changes in the realm of science. Alchemy, astrology, and numbers were rapidly throwing off the trappings of magic and taking on the guise of true sciences.

Much of the spade work for the revolutionary celestial mechanics of Copernicus and Galileo had already been done, and the results were soon to be apparent. Ancient sanctities and verities were all dead or dying, and new ones were in the agonizing process of being born.

In this remarkable period of intellectual emancipation men's minds ventured forth upon many expeditions of experimentation and inquiry, and dared to grapple with many uncertainties which previously, in satisfied reliance upon dogmatic absolutes, they had carefully steered around. No less in the realm of political thought than in other fields of intellectual activity were new furrows plowed and new figures added to the immortals of history. In political thought this was the era of Machiavelli and More, two men whose achievements and writings will be remembered as long as opportunism and utopianism remain in the vocabulary of political science. As opposite in most respects as plus and minus, both Machiavelli and More are typical of the age in which they lived, the one of its materialism and the other of its idealism. And both, we may confidently say, are representative of its universality and its viability.

II

Niccolò Machiavelli is perhaps the most universally reprobated figure in the history of political literature; the man whose precepts are universally disavowed in principle, but regularly followed in practice. Yet Machiavelli himself was a moral man according to the conventions of his time, and apparently also a person of considerable culture and charm. The obloquy which has been heaped upon him is the result of one book—one of many that he wrote—*The Prince*. Machiavelli was born in Florence, of well-to-do parents, in the year 1469. His father was a lawyer of some consequence, and the boy apparently was educated from youth for a public career. In 1494 he entered the public service in the capacity of clerk in chancery, and advanced so rapidly that in 1498 he attained one of the highest posts in the government, that of second chancellor and secretary. This post he held continuously until 1512. Florence during this time was an independent republic, and Machiavelli's position and reputation were such that he was entrusted with many important and delicate responsibilities of state. It is known that he was sent on diplomatic missions to several foreign courts, including

that of Louis XII of France, of the Emperor Maximilian I, and of Pope Julius II. It is of record also that in October, 1502, he was sent as an envoy to the camp of the ill-renowned, but undeniably brilliant and successful, Cesare Borgia, Duke of Valentino.

It is commonly assumed that Machiavelli's association with this illegitimate but superbly endowed son of Pope Alexander VI was a decisive factor in shaping his political thought, but there is little to sustain such an hypothesis. Cesare Borgia was a ruthless and able man who, in utter disregard of conventional Sunday school ethics, had built up the best governed principality in Italy; but his methods were neither better nor worse than Machiavelli had seen in Florence and elsewhere in his political experience. *Realpolitik* was the common practice of Machiavelli's time, and Borgia was simply a shining example of what could be achieved by intelligent and assiduous observance of the principles of that philosophy. If he served as a model for Machiavelli's fictional prince, it was doubtless because he exemplified the ideas of practical men more perfectly than any other ruler of the period.

Had Machiavelli possessed any unshattered ideals before his association with Cesare Borgia, he was soon to have an experience that would leave no room for ideals in the soul of any man. When Pope Alexander VI died, the new pope, Julius II, felt constrained to halt the growing temporal power of his predecessor's bastard son, and therefore organized a holy alliance to attack and overthrow the Duke of Valentino. In the ensuing hostilities the Holy Pontiff himself took the field at the head of an army to subdue the cities which had rebelled against papal authority. Machiavelli was appointed as representative of his government to accompany the pope on this pious enterprise, and he saw enough in the course of the campaign to make a confirmed cynic of any man.

The year 1512 brought Machiavelli's public career to an abrupt and violent end. The Medici family some years before had been driven from power in Florence. In exile they had hatched plans to regain control of the city, and events now developed to favor the execution of those plans. The Florentine Republic had unwisely incurred the hostility of Spain, which at the moment was backing the expatriated Medici as useful pawns in her complicated game of international politics. A Spanish army promptly invaded Italy and threatened Florence. The terrified citizenry immediately overthrew

their government and invited the Medici to return and take possession. Machiavelli, along with other officials of the fallen government, was unceremoniously thrown out of office, and shortly thereafter, being suspected of plotting against the Medici government, was clapped into prison.

There he languished for a year, but was finally released through the influence of potent political friends. As a condition of his release, however, he was compelled to retire from public life and abstain from all political activity. He accordingly took up his residence on a small farm which he owned at San Casciano and lived the life of an exile. During the daytime, he tells us, he occupied himself with farm work, but when evening came he would shed his peasant garb and array himself in his court dress. Having thus become a gentleman again, he would spend the evening in reading the works of great authors of the past and in writing down the results of his reflections upon them. His most notable literary works were produced at this time, though the quantity and variety of his literary output indicates that his pen must have been busy all his life. Gradually the hostility of the Medici relaxed and he was allowed to return to public life. From 1521 onward we find him again employed in diplomatic work, and he was making an active bid for the recovery of his old office when, in June, 1527, he was suddenly seized with a fatal illness and died.

Although Machiavelli is chiefly remembered on account of *The Prince*, his fame in his own day rested on his other writings as well. He produced a number of popular novels, songs, poems, and comedies, the last-mentioned being often side-splitting farces of the bedroom variety. He wrote also an authentic and well-received history of Florence, a treatise on the art of war, and a commentary on republican government called *Discourses on Livy*, which must be regarded as the companion piece of *The Prince*, the two having been written during his enforced rustication at San Casciano when he was inspired by his own misfortunes to give thought to the problem of political realities. That there was a studied purpose behind these two works, and especially so in the case of *The Prince*, is abundantly clear. By these literary endeavors Machiavelli hoped that he might gain the attention of the Medicean rulers of Florence and win their favor. In a very flattering way he dedicated *The Prince* to Lorenzo de Medici, but there is no evidence that Lorenzo ever acknowledged

or took notice of it. But the fact that the author had a selfish motive in writing the book did not affect the integrity of his mental processes. There can be no doubt that what he wrote in *The Prince* he sincerely believed, not because he was a depraved politician seeking to ingratiate himself with a powerful prince, but because he possessed the type of mind that does not tremble before facts however hideous they may be and believed that candid recognition of facts and intelligent use of them might lead to the unification of Italy. He does not condemn Christian ethics *per se*; he simply points out that they do not win wars, quell conspiracies, secure diplomatic victories, or accomplish any of the other difficult tasks of statecraft. In this he may have been utterly wrong, though the facts of history are easy to read in his favor. Three hundred and fifty years after Machiavelli wrote *The Prince* the unification of Italy was accomplished, and the methods employed to this end by Cavour, Garibaldi, and Victor Emmanuel were such as Machiavelli might have commended. Let us not, therefore, too rashly condemn the exile of San Casciano; let us seek, rather, to understand him and profit by the counsels he has to offer.

III

The Prince purports to be a practical handbook explaining the technique of successful rulership; "which work," says Machiavelli in his dedicatory preface, "I have not embellished with swelling or magnified words, nor stuffed with rounded periods, nor with any extrinsic allurements or adornments whatever . . . ; for I have wished either that no honor should be given it, or else that the truth of the matter and the weightiness of the theme shall make it acceptable." This is no sham modesty such as authors are sometimes accustomed to exhibit in prefaces. Machiavelli was telling the plain truth about his book. A more brutally frank, direct, and simple discussion of the problems of managing a state could not be imagined. The dumbest head that ever wore a crown could readily grasp every word of it. No fine-spun theories, no abstruse speculations, no complex doctrines find room in its twenty-six brief chapters, but only tried and practical rules of experience, rules amply tested in the laboratory of everyday affairs. Machiavelli ransacks history, particularly the history of the Greek, Roman, and Italian states, for instances to prove his points, and, as might be expected, meets with

no meager success. Like Aristotle, he had a genius for amassing facts to overwhelm his reader.

The average man's conception of Machiavellism would probably be summed up in such well-known aphorisms as *might makes right*, *the end justifies the means*, or *necessity knows no law*; but there is more to the political thought of the tough-minded ex-chancellor of Florence than such phrases imply. When, showing his familiarity with Aristotle, Machiavelli divorced politics from ethics and religion, he grounded his case on premises which, articulately or inarticulately, are accepted and acted upon by thousands who would resent the imputation that they are Machiavellian. The first of these premises is the ancient Greek assumption that the state is the highest form of human association and endeavor, the most necessary of all institutions for the protection and promotion of human welfare; and hence that reasons of state should outrank all other kinds of individual or social obligation. The second is the no less ancient doctrine that self-interest in one form or another, particularly material self-interest, is the most potent of all factors of political motivation; and, consequently, that the art of statecraft lies in cold calculation of the elements of self-interest entering into any given situation and intelligent use of the most practical means of meeting the difficulties which may arise from conflicting interests.

Both of these doctrines had grown old and respectable in the service of practical politics long before Machiavelli's time, without incurring the special ire of political moralists. But Machiavelli insisted upon pressing them to their utmost logical implications. He had no patience with ethical camouflage, and no fear of reality. If it was a fact that public affairs could not be safely and capably managed on ethical principles, he was quite ready to be done with ethics and quit pretending. Why pretend to serve both God and Caesar, when you know it can't be done; why bother with ethical justifications at all?

For Machiavelli, there is no middle ground. Either the state stands on the same footing as a private individual and must be governed by the same canons of morality, or it stands on a wholly different footing and is to be judged by utterly different principles of conduct. If the state is bound to the same ethical standards as the individual, it is wrong for the state, or any one acting in behalf of the state, to put national security, public order, and common welfare

above ordinary considerations of right and wrong. It is wrong to tell a lie; hence it is wrong to lie in order to save a kingdom or preserve a nation from disaster. It is wrong to break promises and violate agreements; hence the rulers of the state must always keep their word, even though the security and independence of the nation be endangered thereby. It is wrong to steal or rob; hence the state must never seek gains by stealth or force. It is wrong to take human life, save in self-defense; hence the state must never kill except in defense of its own existence.

No wonder moralists abhor Machiavelli. Under his withering logic moral platitudes crumble. Is it argued that it is right for the state to kill as a punishment for crime? Then reasons must be given to sustain the right of the state to take life under these circumstances. And what reasons can be given? Does the state require the life of a murderer as a measure of revenge or as a means of safeguarding the public interest? If the former, it does an act for which there can be no moral justification; if the latter, it does an act which can only be justified on the ground that public interest is so much more important than private interest that a man has not even a right to life if his continuing to live be in conflict with public interest. The moralist is forced to hold the state to the same ethical standards as the private individual or in the last analysis to stand on precisely the same ground as Machiavelli. If it is right under any circumstances whatever for the state to do things not permitted to a private individual, it is only because the state is a collectivity supposedly acting in the interest of the public, and that is exactly the basis of the Machiavellian contention that the state cannot be bound by ordinary canons of morality.

If, however, the moralist refuses to grant the state immunity from the conventional rules of private morals, he makes himself absurd. The state which under no circumstances is permitted to do what a private individual may not in propriety and honor do, invites disaster and destruction. Such a state could neither govern its own people nor hold its independence. Its subjects could defy it with impunity, and rival states could despoil and destroy it at will. In a world in which the Golden Rule was universally observed by men and nations alike, it might be well to hold states to the same high standards of behavior that we expect of private individuals; but in a competitive world where the Golden Rule is quite as often

honored in the breach as in the observance the state which places ethics before expediency is virtually signing its own death warrant.

Machiavelli avoids this embarrassing dilemma by the simple expedient of holding that the state knows no ethics. What it does is neither ethical nor unethical, but entirely non-ethical. It is of the neuter gender so far as right and wrong are concerned. Nothing that the state ever does can be right in the moral sense, for it is not a moral being; and by the same token nothing that it does can ever be wrong. In the realm of statecraft and in the affairs of governments there is but one criterion by which to judge the character of an action, and that is by its results. If the results are good, the action cannot be called wrong, nor is it necessarily right; the safe thing to do is to call it expedient; and if the results are bad, to say the action was inexpedient.

However well we may be acquainted with the general gist of the Machiavellian philosophy, we are still unprepared, until we read his book, for the icy candor with which he advises rulers to follow the counsels of expediency. Public men are of necessity opportunists. That is a fact of common observation. But we do not like to think of them as seasoned and accomplished knaves. If we take the Machiavellian view, that is unnecessary. But if we insist, as many do, that our lustrous political heroes measure up to the same ethical standards as Sunday school superintendents, we are bound to be sadly disillusioned when some painstaking researcher tells us exactly how their glamorous deeds were accomplished. We may even refuse to believe the truth, and denounce him as a ghoul, a defamer of the dead.

All clear-minded political thinkers are in substantial agreement with Machiavelli as to the practical impossibility of subjecting states and statecraft to the same rules of morality as private individuals. Curiously enough, however, very few have had the courage to be as unflinchingly candid as he. And some who have denounced Machiavelli most vehemently have stooped to jesuitical quibblings in order to justify infringements of moral law on the part of states and statesmen of their own liking. On the whole, we seem to prefer that sort of sophistry. It helps us preserve our faith in things as they are. When a political thinker refuses to deal in sugar-coated pellets and tells us the bitter truth, we thank him not, and often raise a cry against him and stone him as a false prophet.

It was rude of Machiavelli to sever politics and ethics and to propose the rule of expediency as the guiding principle of statecraft, but it was a service of enormous value to political science. Realism is the first step in scientific political thinking.

Unless we can achieve an uncommon degree of objectivity, there is much in Machiavelli to make us wish we had never read him. He is so despairingly uncomplimentary to human nature and so cynically deflating to our pride. The prince who would succeed, he unabashedly declares, must "know how to do wrong, and to make use of it or not according to necessity." Therefore, putting on one side imaginary things concerning a prince, and discussing those which are real, I say that all men when they are spoken of, and chiefly princes for being more highly placed, are remarkable for some of those qualities which bring them either blame or praise. . . . And I know that every one will confess that it would be most praiseworthy in a prince to exhibit all the above qualities that are considered good; but because they can neither be entirely possessed nor observed, for human conditions do not permit it, it is necessary for him to be sufficiently prudent that he may know how to avoid the reproach of those vices which would lose him his state; and also to keep himself, if it be possible, from those which would not lose him it; but this not being possible, he may with less hesitation abandon himself to them. And again, he need not make himself uneasy at incurring a reproach for those vices without which the state can only be saved with difficulty, for if everything is considered carefully, it will be found that something which looks like virtue, if followed, would be his ruin; whilst something else, which looks like vice, yet followed, brings him security and prosperity."¹

The prince is advised, therefore, to be generous or niggardly according to the state of public opinion as to lavishness or economy; to be cruel or clement as expediency dictates; to keep faith only when no disadvantage will result from so doing; to strive ceaselessly and by all manner of means, to win glory and renown; and above all to avoid being despised and hated. The question may arise "whether it be better to be loved than feared or feared than loved? It may be answered that one should wish to be both, but, because it is difficult to unite them in one person, it is much safer to be feared than loved, when, of the two, either must be dispensed

¹ *The Prince* (Everyman's Library, 1908), pp. 122-123.

with. . . . Nevertheless a prince ought to inspire fear in such a way that, if he does not win love, he avoids hatred; because he can endure very well being feared whilst he is not hated, which will always be as long as he abstains from the property of his citizens and their women.”¹

Again: “Every one admits how praiseworthy it is in a prince to keep faith, and to live with integrity and not with craft. Nevertheless our experience has been that those princes who have done great things have held good faith of little account, and have known how to circumvent the intellect of men by craft, and in the end have overcome those who have relied on their word. . . . But it is necessary to know well how to disguise this characteristic, and to be a great pretender and dissembler; and men are so simple and so subject to present necessities, that he who seeks to deceive will always find some one who will allow himself to be deceived. . . . Therefore it is unnecessary for a prince to have all the good qualities I have enumerated, but it is very necessary to appear to have them. And I shall dare to say this also, that to have them and always observe them is injurious, and that to appear to have them is useful; to appear merciful, faithful, humane, religious, upright, and to be so, but with a mind so framed that should you require not to be so, you may be able and know how to change to the opposite.”²

Characteristics of some of the greatest figures of history are described in the foregoing passages. Condemn the author of *The Prince* as a cynic, if you must; but do not make the mistake of doubting his knowledge of history and biography. The pages of his book are packed full of authentic historical facts which sustain his thesis, and he is never content until he has piled up a mountain of evidence which tends to carry conviction even against the will of the reader. His appeal is exclusively to the intellect, and not the slightest trace of sentiment is infused into the cold light of his reason. At times, however, a sort of elfish humor is to be detected in his pungent comments on some of the political idiosyncrasies of the *genus homo*. The prince is counselled, for example, to avoid flatterers. Knowing that love of flattery is the greatest weakness of persons in authority, and that flattery has the same intoxicating effect as alcohol, inflating the ego and disarming the judgment,

¹ *Ibid.*, pp. 134–135.

² *Ibid.*, pp. 141–143

Machiavelli winks broadly at the reader when he tells the prince that the only way to guard against the danger of flatterers is to let men understand "that to tell you the truth does not offend you."¹ Like a doctor who delights to tell a patient that the boil on the back of his neck will have to be lanced, Machiavelli's sardonic sense of humor is gratified by the thought that only by the most painful treatment conceivable is this vice of rulers to be cured. Do kings, prime ministers, presidents, governors, and even rulers of pettier status relish this cure? Yes, just as they relish having teeth filled, tonsils excised, and other painful afflictions for their own good. A man may tell you he welcomes the truth, but be careful just the same how you let him have it.

Of course it would not do, as Machiavelli points out, for a ruler to listen to everybody; the ruler who lets any Tom, Dick, and Harry tell him the truth will lose the respect of his subjects. He should listen only to the wise men of his country, but those whom he chooses to hear he should grant full liberty of telling him the truth. Indeed, he should reward his councilors in proportion to the candor of their advice, and should suspect all who deal in compliments and pleasantries as self-seeking sycophants. He should not only be a good listener, but an aggressive and constant inquirer; and if he should find that any one, on any consideration, has withheld truth from him, "he should let his anger be felt."² But this truth, declares Machiavelli, is not only self-evident but universally true, "that a prince who is not wise himself will never take good advice."³ For "prince" substitute "mayor," "governor," "president," "prime minister," or any other official title, and you will have an explanation of the most egregious follies that have been committed in the course of human government.

In *The Prince* Machiavelli dealt exclusively with monarchical government and its problems. In the *Discourses on Livy* he dealt in like manner with republican government. By no means was he the implacable foe of popular government that might be supposed from reading *The Prince* alone. His interest in monarchy, as the closing chapter of *The Prince* clearly shows, was primarily due to his belief that conditions were exceptionally favorable for the unification of Italy under a strong monarch. Machiavelli had a broader and stronger feeling of patriotism than most of his contemporaries,

¹ *Ibid.*, p. 191.

² *Ibid.*, p. 193.

³ *Ibid.*

and believed that strong leadership might weld the Italian people into a united nation. He was one of the first to visualize the national state and to advance a program for the realization of this design.

Republican government did not seem so well suited to this purpose as monarchy, but that did not argue to Machiavelli that republican government was always inferior. As a matter of fact, he points out, there are certain conditions wherein republican government may be not only the best but the only possible form of government. Such conditions undoubtedly prevail, he thinks, when there is a substantial equality of property and wealth within the state; for then political power, which derives from property and wealth, is so widely dispersed that a monarchy cannot be maintained.

It may also be said for republican government, in Machiavelli's opinion, that it is more conducive to uniform and widespread material prosperity than any other form of government; for it tends to equalize the opportunities for gain, whereas in a monarchy the ruler and the nobility tend to absorb most of the wealth of the country. Republican government is also more likely, according to the cynical Florentine, to keep faith better than monarchical government, not because the honor of republics is so much greater as because their processes are slower. Nor does the ingratitude of republics exceed that of princes, thinks he. On this point he spoke with knowledge, for he had tasted both. Still another point in favor of republics, in his opinion, is their greater adaptability to changing circumstances. The character of a prince, once formed, rarely changes, and therefore the quality of his reign varies little from beginning to end; but republics change their rulers often, and hence stand a chance to get rulers who will be men of the hour and well fitted for a particular situation or problem of government. Monarchies, he indicates, are easier to establish than republics, and usually represent the first stage of political development. A republican government is not possible until conditions have become settled, the people united and secure, and habits of adjustment fixed by education and experience. Hence republican government must follow, not precede, monarchical government. Once established on a firm foundation, however, it is more likely to endure. In a monarchy, said Machiavelli, there was no place for liberty; but in a republic, under settled and orderly conditions, there was opportunity for reason and wis-

dom to work, and for that reason liberty was a proper element of republican government.

Economic determinism was one of the most prominent features of Machiavelli's political thought. Aristotle had separated ethics and politics, and had written large the idea of economic interest as a crucial factor in political processes; but he did not surpass Machiavelli in devotion to the belief that men are deeply actuated by material motives. In all political behavior, according to the Florentine, whether it be idealistic or the opposite, the influence of the economic factor usually may be perceived. Back of all struggles for liberty, self-government, and the rights of man there always lurks, in his opinion, some sort of economic interest in the outcome. Probe deep enough and you will never fail to find it. Like a somber melody, this displeasing theme recurs again and again in the writings of Machiavelli. It sets him distinctly apart from the ancients, even Aristotle, who, for all their realism in some respects, did not doubt that reason could teach men to love the good life and to strive unselfishly to attain it. And it also differentiates him from the mediaevalists, who saw in the state only a means of effecting God's will on earth and of preparing men for life after death.

IV

Though granting the immensity of his influence upon the theory and practice of politics, most writers on political thought have seemed to feel that they were expected to speak deprecatingly of Machiavelli. He "was clear-sighted, not far-sighted," writes the Rev. Dr. Murray. "He never . . . saw things as they might be; he saw them as they were—as less than they were—and hence, missing possibilities, he missed statesmanship. In truth, he committed the fundamental blunder of a low-strung mind; he mistook cunning for the craft of the statesman in the large sense of the term. C. J. Fox reached a statesmanlike standpoint when he enunciated the axiom that 'what is morally wrong can never be politically right,' an axiom that eternally condemns the Florentine."¹ Professor Jászi is even more acrimonious, referring to Machiavelli as a great patriot who became the propounder of an immoral and untrue doctrine, and then exclaiming: "At the same time by the

¹ R. H. Murray, *The History of Political Science*, pp. 128-129.

passionate and enthusiastic glorification of political crime he must bear the responsibility of having made from the diffused crimes of isolated princely criminals, a compact philosophical doctrine which corrupted public opinion in many parts of the world and which envenomed still more an unscrupulous political practice.”¹

These are severe strictures to be passed upon a mere merchant of words. Was the pen of Machiavelli so mighty and his doctrine so diabolical as to merit such odious tributes? Must we agree with Fox (who did not practice what he preached), that “what is morally wrong can never be politically right”? And if so, what, pray tell, is morally wrong? Was it morally wrong for President Washington to refuse to live up to our treaty of 1778 with France, thus violating our solemn, written pledge and deserting the ally who had made American independence possible? His proclamation of neutrality in 1793 was hardly consistent with the Golden Rule, but it saved his country from involvement in a war that would have been dangerous to its liberty and paralyzing to its commerce. Is failure to keep faith moral or immoral under such circumstances? Was it morally wrong for President Lincoln to issue the Emancipation Proclamation in violation of the solemn and explicit promise made in his first inaugural address to the effect that he would not interfere with slavery either directly or indirectly? The political and military situation demanded the action which Lincoln took, but he had to break his word in order to do it. Was he moral or immoral? Was it morally wrong, to cite another example, for Theodore Roosevelt to double-cross Colombia in the Panama Affair? By subsequently paying Colombia \$25,000,000 to soothe her wounded feelings and expressing regret over what had happened, the United States manifested a very guilty conscience; but no blot seems to have attached to the reputation of Mr. Roosevelt. His action assured the building of the Panama Canal—by the United States. Was it moral or immoral?

Such inquiries should not be pressed too insistently, for they lead to places where even parsons find the going rough. Perhaps it were better, then, to attempt to speak as dispassionately of Machiavelli as he did of the political man. Obviously there are some things for which we must give him credit. He was one of those rare beings who can view human behavior as objectively as the zoölogist looks

¹ K. F. Geiser and O. Jászi, *Political Philosophy*, p. 119.

upon the behavior of lower animals. He did not de-moralize politics—that had been done centuries before—but he did debunk the sanctimonious cant of holy frauds in high places with a pitiless candor that is not undeserving of admiration. He must also be given credit for being a sincere and ardent patriot, and one of the forebears of modern nationalism. His passion for the practical as against the theoretical undoubtedly did much to rescue political thought from the scholastic obscurantism of the Middle Ages, and entitles him to recognition as the first, if not the noblest, of the great pragmatists.

V

While Machiavelli in retirement at San Casciano was composing *The Prince* and the *Discourses on Livy*, a brilliant young English courtier was writing a book that was destined to mean as much to the literature of political idealism as did the works of the unregenerate Italian to the political literature of materialism. Sir Thomas More was fortunately born and thrice fortunately educated. His father was a judge on the King's Bench, and an intimate of the great and the near-great. Through the influence of his father the boy (born in 1478) received his early education in the household of the archbishop of Canterbury; then he was sent to Oxford where he became a close friend of the great humanistic scholar, Erasmus. For a time young More thought of becoming a monk and subjected himself to the ascetic usages of the Carthusian order, but he fell in love and made a very happy marriage, whereupon his adolescent attack of anchoritism quickly passed away. After finishing at Oxford he studied law in London and became a member of Parliament. His brilliant and charming qualities attracted the attention of Henry VIII and he became one of the king's special favorites. In rapid succession he was knighted, made a member of the Privy Council, treasurer of the Exchequer, speaker of the House of Commons, and finally in 1529 was appointed to the exalted office of Lord Chancellor, being the first person not of the clergy to hold this eminent post.

If More's rise was rapid, his fall was even more so. Henry expected much of his good friend the Lord Chancellor, and, when More's conscience would not permit him to support the monarch in his controversy with Parliament and the pope over the divorce

question, Henry's affection for his friend was transformed into venomous hate. More was forced to resign his office in 1532, and thereupon became one of the most contumacious leaders of the opposition. After the break with Rome he refused to take the prescribed oath of allegiance to the king as head of the newly formed national church. For this he was committed to the Tower, and in 1535 he was convicted of treason and beheaded.

The *Utopia* was written in 1515 or 1516, when More was about thirty-seven years old and in the heyday of his good fortune and popularity. It has been variously described as a fantastical romance, a satire on English society, a prophetic vision, and a treatise on government. We may not apprehend the purpose for which the book was written, but we cannot mistake the influences surrounding the fortunate young officeholder at the time of its composition. The voyages of Christopher Columbus and Americus Vespuccius had stirred men's imaginations and enlarged their outlooks upon life as nothing else had done in centuries. Vespuccius' story of his adventures, first published in 1507, was still a best seller. New exploring expeditions were constantly being fitted out, new discoveries were constantly being reported, and popular interest in strange and distant lands was at fever pitch. Equally stimulating to minds sensitized by education was the tremendous impetus given to the revival of classical learning by the dispersion of Greek scholars through western Europe as a result of the fall of Constantinople in 1453. These brought to western scholarship not only the letter of Greek learning, which had long been available, but its unique and precious spirit. Plato, Aristotle, and other great masters of Hellenic thought began to take on new meaning for Englishmen, Frenchmen, Spaniards, and Germans. Philosophy, which during the Middle Ages had degenerated into casuistry, was restored to its former estate of creative and beneficent wisdom. Contemporaneously with these developments the Roman Catholic Church began its amazing fall from the topmost heights of moral and temporal ascendancy, and the Holy Roman Empire was perceived to deserve no single one of its three glamorous titles. It was also a period of economic distress and readjustment in England, where the old subsistence type of agriculture was being supplanted by large-scale sheep-raising, which required vast estates devoted exclusively to pasturage. If the spirit of realism was in the air, as exemplified in

Machiavelli, so also was the spirit of reform, which could have no worthier exponent than Sir Thomas More.

The name "Utopia" More coined by combining Greek words meaning "nowhere." The name of the fictional traveler, Raphael Hythloday, who gives More the picturesque account of Utopia which he pretends to be passing on to the reader, is also from the Greek and means "knowing in trifles." In the first division of the book More tells how he was sent to Flanders as ambassador of Henry VIII to treat with the Prince of Castile, and how during an interlude in the negotiations he went to Antwerp and there became acquainted with an eminent citizen named Peter Giles. One day while returning from mass he observed Giles conversing on the street with an elderly stranger who had the appearance of being a seafarer. Giles makes More acquainted with the interesting stranger, and he proves to be none other than Raphael Hythloday, a learned Portuguese who had been on three voyages with Americus Vespuccius and, since leaving Vespuccius, had spent years wandering among strange lands and peoples. Giles, More, and Hythloday, still standing on the street corner, are soon lost in the mazes of a fascinating conversation. The stranger descants at length upon social and political conditions as he has observed them in European countries, especially England, in the course of his travels, and repeatedly reminds his hearers that things are done much better in the island of Utopia, which he has lately visited. They doubt if this can be true, but insist that he tell them all about this wonderful land. This will take a long time, so the trio adjourn to a café for dinner, and there Raphael tells the story of Utopia.

By this ingenious bit of stage management More makes an opportunity in the first half of his book for his imaginary spokesman to criticize the existing institutions of England, and in the second half to propose a program of reform by describing the model commonwealth of Utopia.

VI

Using the Portuguese wanderer as his mouthpiece More satirically discourses upon the defects of European political institutions, and particularly those of England. The criminal justice of England is the first thing attacked. It is pictured as shockingly cruel and unfair, the punishment being too severe and the remedies ineffec-

tual. "In this . . . not only you in England, but a great part of the world imitate some ill masters that are readier to chastise their scholars than to teach them. There are dreadful punishments enacted against thieves, but it were much better to make such good provisions by which every man might be put in a method how to live, and so be preserved from the fatal necessity of stealing and of dying for it."¹ The existing social order in England and other countries, says the returned voyager, not only predisposes but forces people to crime. Thousands of disabled war veterans, incapacitated for their former trades and too old to learn new ones, are turned loose to make shift as best they may. Great numbers of idle nobles fatten on the labor of the poor, allowing them as little revenue as possible and compelling them also to bear the cost of the huge companies of idle retainers who hang about the manor halls. Laborers, as soon as their lord dies or they themselves fall sick, are turned out of doors. What else can such hapless people do but resort to thievery?

Some worthy persons, says Raphael, have attempted to argue with him that these things must be; that the nobility must be specially favored and cherished, because they have a nobler sense of honor than is to be found among tradesmen or plowmen, and hence are the main reliance of the country in time of war. " 'You may as well say,' replied I, 'that you must cherish thieves on the account of wars, for you will never want the one, as long as you have the other; and as robbers prove sometimes gallant soldiers, so soldiers often prove brave robbers; so near an alliance is there between these two sorts of life. But this bad custom, so common among you, of keeping many servants, is not peculiar to this nation. In France there is a yet more pestiferous sort of people, for the whole country is full of soldiers, still kept up in time of peace, if such a state of a nation can be called a peace; and these are kept in pay upon the same account that you plead for those idle retainers about noblemen; this being the maxim of those pretended statesmen that it is necessary for the public safety to have a good body of veteran soldiers ever in readiness. They think raw men are not to be depended on, and they sometimes seek occasions for making war, that they may train up their soldiers in the art of cutting throats; or as Sallust observed, for keeping their hands in use, that they may not grow

¹ *Utopia* (World's Greatest Literature, 1901), Vol. xxxii, p. 10.

dull by too long an intermission. But France has learned to its cost, how dangerous it is to feed such beasts.' ”¹

Sanguine Sir Thomas! After four hundred years, and many a ghastly lesson, France has yet to learn the unprofitableness of militarism. Nor has any other nation learned that lesson. All talk of peace and disarmament, but always with the proviso that nothing can be conceded which will menace their security. Your description of the armed camp that was Europe in the sixteenth century is as appropriate to-day as then.

Another thing that conduces to crime in England, according to Raphael Hythloday, is the increasing removal of land from cultivation by building up vast estates devoted to pasture. Finding that more money is to be made from sheep-raising than from ordinary farming, nobility, gentry, and even clergy are acquiring every acre of ground they can get hold of for pasturage. As soon as a piece of land falls to one of these large estates houses are wrecked, towns are destroyed, tenants are turned out, and the land is removed from cultivation. The poor evicted peasants have nothing left to do but beg or steal. Moreover, flocks of sheep having been decimated by disease, the price of wool has risen to such a point that poor craftsmen who used to make a living in the textile trades are no longer able to buy supplies for their work. These too have been forced to join the ranks of the unemployed, and are therefore likely recruits for crime. Poverty and misery are also augmented by the loose spending of the rich. Not only among the nobility, but among people of all classes who have means, lavish spending is the rule. They buy expensive clothing, load their tables with costly foods, consume vast quantities of liquor, and waste money on gambling and other frivolous amusements. Not many are sufficiently wealthy to stand the pace for long, and when those accustomed to high living suddenly find themselves short of means, they are often inclined to take to crime in order to replenish their funds.

“Though to speak plainly my real sentiments,” continues the philosophical traveler, after rejecting the suggestion that he should become the counselor of some reigning prince, “I must freely own, that as long as there is any property, and while money is the standard of all other things, I cannot think that a nation can be governed either justly or happily; not justly, because the best things will fall to

¹ *Ibid.*, p. 11.

the share of the worst men; nor happily, because all things will be divided among a few (and even these are not in all respects happy), the rest being left to be absolutely miserable. Therefore when I reflect on the wise and good constitution of the Utopians, among whom all things are so well governed, and with so few laws; where virtue hath its due reward, and yet there is such an equality that every man lives in plenty; when I compare with them so many other nations that are still making new laws, and yet can never bring their constitution to a right regulation, where notwithstanding every one has his property; yet all the laws that they can invent have not the power either to obtain or preserve it, or even to enable men certainly to distinguish what is their own from what is another's; of which the many lawsuits that every day break out, and are eternally depending, give too plain a demonstration; when, I say, I balance all these things in my thoughts, I grow more favorable to Plato, and do not wonder that he resolved not to make any laws for such as would not submit to a community of all things: for so wise a man could not but foresee that the setting all upon a level was the only way to make a nation happy, which cannot be obtained so long as there is property: for when every man draws to himself all that he can compass, by one title or another, it must needs follow, that how plentiful soever a nation may be, yet a few dividing the wealth of it among themselves, the rest must fall into indigence." ¹

Utopia, as Raphael describes it for More and Giles, is a crescent-shaped island about five hundred miles in length and two hundred miles wide, and so well protected by natural and artificial defenses that no hostile forces can enter it. Originally it was the jutting arm of a peninsula, but its ancient conqueror, Utopus, perceiving the benefits to be derived from insularity, compelled his subjects to dig the channel which now separates it from the mainland. Here in this detached situation the Utopians have developed the best government in the world. (Could English readers fail to get so broad a hint? England too might become a Utopia.)

"There are fifty-four cities in the island, all large and well built: the manners, customs, and laws of which are the same, and they are all contrived as near in the same manner as the ground on which they stand will allow. The nearest lie at least twenty-four miles distant from one

¹ *Ibid.*, p. 30.

another, and the most remote are not so far distant, but that a man can go on foot in one day from it to that which lies next it. Every city sends three of its wisest senators once a year to Amaurot, to consult about their common concerns; for that is the chief town of the island, being situated near the centre of it, so that it is the most convenient place for their assemblies. The jurisdiction of every city extends at least twenty miles; and where the towns lie wider, they have much more ground: no town desires to enlarge its bounds, for the people consider themselves rather as tenants than landlords. They have built all over the country, farmhouses for husbandmen, which are well contrived, and are furnished with all things necessary for country labor. Inhabitants are sent by turns from the cities to dwell in them; no country family has fewer than forty men and women in it, besides two slaves. There is a master and a mistress set over every family; and over thirty families there is a magistrate.

“Every year twenty of this family come back to the town, after they have stayed two years in the country; and in their room there are other twenty sent from the town, that they may learn country work from those that have been already one year in the country, as they must teach those that come to them the next from the town. By this means such as dwell in those country farms are never ignorant of agriculture, and so commit no errors, which might otherwise be fatal, and bring them under scarcity of corn. But though there is every year such a shifting of husbandmen, to prevent any man being forced against his will to follow that hard course of life too long, yet many among them take such pleasure in it, that they desire leave to continue in it many years. These husbandmen till the ground, breed cattle, hew wood, and convey it to the towns, either by land or water, as is most convenient . . . They sow no corn, but that which is to be their bread; they drink either wine, cider, or perry, and often water, sometimes boiled with honey or licorice, with which they abound; and though they know exactly how much corn will serve every town, and all that tract of country which belongs to it, yet they sow much more, and breed more cattle than are necessary for their consumption; and they give that overplus of which they make no use to their neighbours. When they want anything in the country which it does not produce, they fetch that from the town, without carrying anything in exchange for it. And the magistrates of the town take care to see it given them; for they meet generally in the town once a month, upon a festival day. When the time of harvest comes, the magistrates in the country send to those in the towns, and let them know how many hands they will need for reaping the harvest; and the number they call for being sent to them, they commonly despatch it all in one day.

“He that knows one of their towns knows them all, they are so like one another, except where the situation makes some difference. I shall therefore describe one of them; and none is so proper as Amaurot; for as none is more eminent, all the rest yielding precedence to this, because

it is the seat of their supreme council, so there was none of them better known to me, I having lived five years altogether in it.

"It lies upon the side of a hill, or rather a rising ground; its figure is almost square, for from the one side of it, which shoots up almost to the top of the hill, it runs down in a descent for two miles to the river Anider; but it is a little broader the other way that runs along by the bank of that river. . . . The town is compassed with a high and thick wall, in which there are many towers and forts; there is also a broad and deep dry ditch, set thick with thorns, cast round three sides of the town, and the river is instead of a ditch on the fourth side. The streets are very convenient for all carriage, and are well sheltered from the winds. Their buildings are good, and are so uniform, that a whole side of a street looks like one house. The streets are twenty feet broad; there lie gardens behind all their houses; these are large but enclosed with buildings, that on all hands face the streets; so that every house has both a door to the street, and a back door to the garden. Their doors all have two leaves, which, as they are easily opened, so they shut of their own accord; and there being no property among them, every man may freely enter into any house whatsoever. At every ten years' end they shift their houses by lot." ¹

Every person in Utopia (man or woman) is obliged to learn a trade, the narrator explains, and must labor six hours a day but no more. In addition, each is trained from childhood in the arts of agriculture and must serve his regular turn at farm labor. Surrounding each city, as detailed in the quotation above, is an area of farm land which produces, in addition to its own requirements, what is needed for the sustenance of the city. The farm-district delivers its products to storehouses in the city and receives in return industrial products needful for farm life. The city must supply the farm-district with agricultural laborers during harvest, and must also see that every city dweller serves his allotted time in farm work.

Although children customarily learn the trades of their parents, they are not obliged to do so, and many are permitted by special arrangement to learn other trades. Even adults may change their vocations if they care to do so. According to their various aptitudes and abilities both men and women find employment in agriculture and industry, and none are allowed to be idle unless incapacitated by illness or old age. The family is the basic unit of social organization, and also of economic activity. Parents, children, and grandchildren dwell together in large family mansions, and for each

¹ *Ibid.*, pp. 35-38.

family there is appointed a master and a mistress. Houses are assigned to families by lot, and are changed in the same manner every ten years. Families are organized into groups of thirty, each of which annually elects a magistrate called a syphogrant or philarch. Over every ten syphogrants is another annually elected magistrate called the tranibor or archphilarch. The magistrates collectively choose the chief magistrate of the city, who is called the prince. The choice is made from a list of four names approved by the people of the four divisions of the city. One might say, then, that the prince is nominated by the people and elected by the magistracy. He holds office for life, but may be removed for cause. The tranibors meet every third day as a council or senate, and oftener if necessary. At these meetings two syphogrants are always present to represent and speak for their order of officialdom, but the particular two are changed daily, so as to give all a chance to be heard. No action may be taken on any public matter until it has been first debated three separate days in the senate. Each city and its adjacent farm territory sends each year three representatives to a national assembly, which is the supreme governing body of the land.

The life of the people, though organized on a family basis, is thoroughly communistic—a feature of Utopian life which Hythlodæ explains in some detail. The members of each unit of thirty families have their noon and evening meals together in the common refectory of their syphogrant's spacious manor house. The meals are prepared by cooks who draw their supplies from the common store. It is not forbidden—in truth, very little seems to be forbidden in Utopia—for each to cook for himself, but it is not worth the trouble, and none do it. From the common storehouse also the heads of each family draw such clothing, furniture, and other necessities as may be required by their family. These requisitions are never excessive, though each is at liberty to draw without let or hindrance. For in Utopia there is no such thing as fear of want or ambition to keep up with the Joneses. There is plenty for all and nothing that one may have that another may not likewise possess; hence there is no disposition to accumulate in excess of immediate needs or to indulge in ostentatious display.

The working day is so divided that the three hours immediately before and after noon are devoted to labor; the rest of the day is given over to recreation, education, eating, and sleeping. Public

lectures of an educational character are given in the morning before work is begun, and all are at liberty to attend, though not compelled to do so. Only those who have been dedicated to literary pursuits are obliged to attend these lectures. The evenings are spent in reading, playing games, listening to music, conversation, and like pursuits. Youths who show an early aptitude for arts or sciences are excused from manual labor in order that they may devote themselves to these higher callings; but if they fail to make good, they are again reduced to the ranks of labor; which, one may say parenthetically, would not be a bad idea to adopt in non-Utopian commonwealths.

Trade and commerce of the usual sort are not carried on in Utopia. "Every city is divided into four equal parts, and in the middle of each there is a market-place: what is brought thither, and manufactured by the several families, is carried from thence to houses appointed for that purpose, in which all things of a sort are laid by themselves; and thither every father goes and takes whatsoever he or his family stand in need of, without either paying for it, or leaving anything in exchange. There is no reason for giving a denial to any person, since there is such a plenty of everything among them; and there is no danger of a man's asking for more than he needs; they have no inducements to do this, since they are sure that they shall always be supplied. . . . Near these markets there are others for all sorts of provisions, where there are not only herbs, fruits, and bread, but also fish, fowl, and cattle."¹

Money does not exist in Utopia, and is not needed. Children are taught to look upon gold and silver as worthless, fit only for gauds and baubles; and criminals are made to wear chains and bells made of these metals as badges of infamy. Equally despised are gold and silver among the people at large, and are never used for any but the basest purposes such as chamber vessels and even less mentionable things. The important use the Utopians have for gold and silver is to further their ends in international relations. They hoard gold and silver and use them to buy off their enemies, purchase mercenary soldiers, or sow dissension among their foes. After they have accumulated supplies enough to last the country for two years, they exchange part of their surplus goods for gold and silver to be held in reserve against such needs as have been mentioned.

¹ *Ibid.*, pp. 45–46.

Slavery is tolerated among the Utopians, but is not hereditary. Consequently there is no permanently servile class among the Utopians. They condemn to slavery prisoners of war taken in battle, persons found guilty of serious crimes, and persons condemned to death in other countries and redeemed by purchase to be slaves in Utopia. Slaves are kept at perpetual labor, and native Utopians condemned to slavery as a punishment for crime are treated worse than other slaves.

Marriage is strictly regulated by the state, and severe punishment attends all lapses from chastity before marriage. The minimum ages for marriage are eighteen for women and twenty-two for men. There is a quaint custom in Utopia of having officially approved chaperones exhibit bride and bridegroom to each other in dishabille before the marriage is conclusively contracted. Europeans would think this indecent, but among the Utopians it serves a useful and moral purpose. Being thus and with all propriety assured of the absence of concealed defects in the physique of the other party, both parties are able to complete the marriage in good faith and without fear of regret. Should concealed defects be disclosed, the marriage can be called off and a future action for divorce thus averted. Polygamy is not permitted in Utopia, and divorce is frowned upon. In justifiable cases, however, marriages may be dissolved after careful inquiry into the facts by the civil authorities.

Laws are few in Utopia, and crimes are rare. There is no need for an elaborate body of laws, says Raphael Hythloday, because there are no private possessions to protect and regulate, no rules of contract that need to be enforced, and no obligations that can be broken with any advantage to the violator. No persons can have anything that another might want and not be able to have, save only another's wife or husband. Therefore, the only crime specifically punishable by law in Utopia is adultery; all other punishments are left to the sound discretion of the Senate to be tempered according to circumstances of fact.

War the Utopians regard as an unmitigated evil, and never engage in it unless forced to defend themselves or their friends from unjust aggressors or to assist oppressed peoples to throw off the yoke of tyranny. Nevertheless they do believe in preparedness, and rigorously discipline themselves in all the arts of war, both men and women being obliged to submit to military training. "The

only design of the Utopians in war is to obtain that by force, which if it had been granted them in time would have prevented the war; or if that cannot be done, to take so severe a revenge on those that have injured them that they may be terrified from doing the like for the time to come. By these ends they measure all their designs. . . .”¹ Consequently they rely as much on craft as on force of arms. As soon as war is declared they secretly circulate in the enemy’s country offers of lavish rewards for the assassination of the prince and the high civil and military leaders of the enemy state. By similar methods they endeavor to corrupt the morale and undermine the loyalty of the whole population of the enemy country, and they think there is nothing base about such practices, because, in their opinion, they shorten wars and prevent great slaughter. Fighting with plots and propaganda is not, as would seem, such a modern invention as is often supposed. Had the Utopians known of poison gas, they undoubtedly would have used it with gusto and good conscience.

In religious matters, the returned voyager points out that one of the most ancient laws of Utopia says that no man ought to be punished for his religion. Toleration is the only law about religion that is rigorously enforced. Many religions are practiced, and none suffers discrimination. Persons trying to stir up religious controversy are severely punished and often are banished from the country; but this is not because of their religious views, but because in trying to inflame the people on religious matters they excite civil discord. The Utopians do not believe that all religions are equally true, but they think that under a régime of religious liberty men will discover for themselves the true and the false religions. For all their tolerance in religion, the Utopians have a horror of atheism, and men who disbelieve in a wise and overruling Providence and doubt that punishment or reward is meted out in the hereafter for the deeds and misdeeds of this life, are never raised to positions of honor and trust.

Priests in Utopia are men of eminent virtue, and hence are few in number. “They are chosen by the people as the other magistrates are, by suffrages given in secret, for preventing of factions; and when they are chosen they are consecrated by the College of Priests. The care of all sacred things, the worship of God, and an inspection into the manners of the people, are committed to them.

¹ *Ibid.*, p. 77.

It is a reproach to a man to be sent for by any of them, or for them to speak to him in secret, for that always gives some suspicion. All that is incumbent on them is only to exhort and admonish the people; for the power of correcting and punishing ill men belongs wholly to the Prince and to the other magistrates. The severest thing that the priest does is the excluding those that are desperately wicked from joining in their worship.”¹ Which indicates that More, though a good enough churchman to lose his head rather than recognize his king as head of the church, was as much devoted to the principle of separating church and state as the rebel friar Marsiglio. He doubtless also would have been willing to go to the block rather than recognize the pope as head of the secular government of his country.

VII

Such in sketchy outline is the book which has given its name to all imaginary and idealistic programs of social reform. It is easy to say that More's utopianism is simply Platonic communism reduced to sixteenth-century Anglican terms; but that does not tell the whole truth about it. The Tudor chancellor's debt to Plato is obvious and great; but he departed from Plato in some very fundamental matters. Plato's ideal commonwealth is a military aristocracy ruled over by a philosopher king; the common people, those engaged in trade and manual labor, had no voice in its government. More's ideal commonwealth is a republic with ultra-democratic institutions; never was a government more truly of, by, and for the people. The people not only choose their own rulers, but have the final power of decision on all important matters. “It is death,” explains Raphael Hythloday, “for any to meet and consult concerning the State, unless it be either in their ordinary Council, or in the assembly of the whole body of the people. These things have been so provided among them, that the prince and the tranibors may not conspire together to change the government and enslave the people; and herefore when anything of great importance is set on foot, it is sent to the syphogrants; who after they have communicated it to the families that belong to their divisions, and have considered it among themselves, make report to the Senate.”² This is nothing less than

¹ *Ibid.*, p. 90.

² *Ibid.*, pp. 39–40.

government by popular referendum, the boldest vision of democracy that any political thinker has attained.

More rejects also Plato's communism of women and children. It is not that his mind is insufficiently daring to take such a hurdle, or that he is too much swayed by the religious sanctions attached to marriage in his day. Secularization of marriage has no terrors for him, as is shown by his bestowing the power of granting divorces upon the Utopian senate; but he is an Englishman, not a Greek, and therefore regards the monogamous family not merely as a holy institution but as the basic cellular material of the social aggregate. The family to him represents communism in action; and he would extend that communism to the higher ranges of social organization, thus transforming the state into one vast family.

His devotion to religious toleration also differentiates More from Plato. The Greek would completely amalgamate civic and religious duty. In his thought the state takes the place of God, and men are expected to venerate, worship, and serve the state in a spirit of devotional mysticism. No other religion could have a place in this state, and none would be tolerated. The Englishman would entirely divorce politics and religion. His Utopians are a deeply religious people; but, as we have seen, their priests have no secular functions and their princes no ecclesiastical functions. Nor are Utopians expected to display any sentimental fervor in their loyalty to the state. Cold reason and appreciation of the material advantages of Utopian citizenship are supposed to take the place of blind loyalty. In time of war neither physical nor psychological pressure is used to induce citizens to enter the army. Those who freely volunteer are accepted; the thought that there would be any reluctance to volunteer to defend so incomparable a state never seems to have occurred to the author.

It cannot be said that More solves the basic difficulties of communism any more successfully than other collectivistic theorists; but his influence has been none the less great on that account. He not only invented (or better, perhaps, revived in more palatable guise) a literary form which has been the progenitor of an uninterrupted stream of utopian literature from his day to our own; but he also definitely fixed the attention of meliorative thought upon such profoundly important fields of reform as criminology, land tenures, public health, education, religious toleration, and popular govern-

ment. Bacon's *New Atlantis*, Harrington's *Oceana*, Campanella's *City of the Sun*, Cabet's *Voyage to Icaria*, Morris' *News from Nowhere*, Butler's *Erewhon*, Bellamy's *Looking Backward*, Howells' *A Traveller from Altruria*, and scores of other accounts of imaginary commonwealths are all in a measure descended from More's *Utopia*. In like manner his vision must be given credit for much of the socialistic program-making of the last century and for many of the social reforms which have been accomplished during the same period.

That two such personalities as Machiavelli and More should have been contemporaries, and that both should have exerted a profound influence upon the course of both theoretical and practical politics in all subsequent time, is a striking paradox; but is it more paradoxical than human nature itself? Does not every man have in him something of both Machiavelli and More, something of both realist and idealist? And does not every statesman who achieves undying greatness exhibit to a marked degree the contradictions which we find in these two great political thinkers? In your Napoleons, Bismarcks, and Disraelis do you not have idealistic pragmatists, and in your Lincolns, Gladstones, and Cavours, pragmatic idealists?

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CHAPTER X

THE GREAT REVOLT

I

THIS is no place to rehearse the history of the so-called, and possibly miscalled, Protestant Reformation. No political thinkers of first magnitude arose in connection with this movement; but it did set in motion chains of events and let loose swarms of ideas that were fated to mould the political thinking and condition the political behavior of all succeeding generations. The great revolt, which dates from that October day in 1517 when Martin Luther posted his ninety-five theses on the church door at Wittenberg, turned out in the end to be almost as much a political as a religious rebellion, and the political doctrines to which its gave currency have shaped the course of human events even more than its religious ideology. Religiously, it divided the western world into two never friendly and often bitterly hostile camps, brought to life the seeds of sectarianism which had lain dormant since the Nicene Creed received the cachet of Roman officialdom in 381, and wrecked forever both the spiritual and the temporal hegemony of the Roman pope. Politically, it completed the dissolution of the Holy Roman Empire, hastened the proliferation of independent national states, fanned up furious conflagration of warfare and persecution which gutted the entire structure of feudal society, and released a torrent of radical ideas that have defied the most strenuous efforts of constituted authority to choke them down.

Martin Luther, it seems, had at the beginning no definite ecclesiastical program, and certainly he never so much as dreamed of the political consequences of the upheaval which his pious contumacy set on foot. Only two doctrines of any political importance appear in his voluminous writings. One is his unequivocal insistence upon the generic differentiation of secular and spiritual occupations and authorities, and the other is his equally positive demand that all good Christians submit to the established system of government.

Both of these doctrines Luther came to very slowly, and then only under the unrelenting pressure of events. He had at first no purpose to challenge the supremacy of the papacy or to effect a separation of

church and state. But, after the papal prelates undertook to bully him into submission, he began to study church history, and as a consequence came to the conclusion that there was no historical foundation for the claims of the Roman pontiffs. Promptly upon reaching this conviction he seized upon all the sustaining arguments he could find in the writings of men like Marsiglio and Ockham and began to lash out with great vehemence against the dogma of papal supremacy. In his *Address to the German Nobility* he appealed to the princes and knights of Germany to take matters into their own hands and reform the abuses of the church. There was nothing sacred about a clergyman, he said, save the duties he was to perform; and, if he was an offender against the law, the civil government had the same right to punish him as any other culprit.

But when his demand for direct action began to beget violence, Luther took alarm. Revolting peasants destroying and plundering monasteries and castles, and fanatical Anabaptists proposing to sweep away the whole fabric of institutional religion, filled him with apprehension. Vehemently again he appealed to the nobility, this time urging that they put down all insurrectionary movements without pity. Which advice they adopted with alacrity and executed with such ruthless and summary obedience that in the summer of 1525 alone more than ten thousand peasants were slain in the holy cause of law and order. It was now revealed to Luther that secular authority is sanctioned by God. It must be so, he reasoned, both for Christians and non-Christians; for Christians, because the Scriptures declare that the powers that be are ordained of God and enjoin obedience to them; for non-Christians, because they have not the guidance of the Holy Spirit and need the iron hand of authority to keep them in peace and order. Despite this bow to secular power, Luther takes strong ground against interference by secular authorities in matters of belief, and argues that the eradication of heresy should be left entirely to the clergy.

The political philosopher of the Reformation, in so far as any deserves that title, was the scholarly professor of Greek in the University of Wittenberg, Philip Melanchthon. A faithful disciple of Luther, he was intellectually both his superior and in many respects his opposite. Melanchthon was a deep student of the classics and especially of Aristotle, and in his hands the intellectual case of the Reformation takes on a more pleasing and a more rational

aspect. Secular authority, according to the Melanchthonian view, is the product of natural law and natural right. The principles of natural right, which are epitomized in the Decalogue, have been implanted in the mind, he thinks, by God Himself. Social and political institutions growing out of these principles are in accord with the will of God, and it is the duty of the Christian to yield obedience to such institutions. Secular government, says the Wittenberg professor, is clearly deducible from principles of natural law and right, and is further supported by explicit Scriptural sanctions. The functions of the secular authorities include the protection of property, the safeguarding of liberty, the maintenance of order, the punishment of criminal offenders, and the promotion and preservation of true morality and religion among the people. Neither property nor liberty, however, are absolute rights. Property may be confiscated, if the owners abuse it (this to justify Protestant princes in confiscating the property of monasteries); and liberty may be denied or abridged, in order to preserve the *status quo*. As to the suppression of heresy, Melanchthon differs from Luther. Heresy, he holds, is equivalent to blasphemy, which is a serious crime. Therefore it is the duty of the civil powers to root it out and punish the offending persons.

From the Swiss republic of Geneva and its Protestant pope, John Calvin, came the most dynamic political thought of the Reformation. His *Institutes of the Christian Religion*, published in 1535, was designed, says Dunning, "as a complete guide to the soul that sought to live according to God's Word; and it furnished, indeed, a much safer resort, in many respects, than the Bible itself. For Calvin, like many other great leaders of the Reform, greatly dreaded the fanatics who derived from the Scriptures revolutionary social doctrines, and he shaped an interpretation that was based on the jurists' postulates of order and authority."¹

Predestination is as much an integral part of the political as of the religious thought of the expatriated French lawyer. God, he reasoned, has ordained the creation of the world; by His will it is organized; by His wisdom it is directed. For man God has planned a complete career, and all his actions are foreordained. Such is the order of nature, and man can by no means change it. This natural order is productive of natural rights and natural law, and is the

¹ W. A. Dunning, *A History of Political Theories from Luther to Montesquieu* (1905), p. 26.

foundation of all legal and moral relations between men. The Decalogue is simply a summation of natural law, which, according to Calvin, implies: (1) natural rights guaranteed by God (including the right to law, to liberty, and to freedom of religion), (2) a compact for the recognition of these rights, and (3) a right of resistance when any one violates the rights so guaranteed and recognized.

The Christian church and the Christian state, according to the view of Calvin, are also created by God. The two were designed for wholly different purposes, and, though performing concurrent functions, must be kept autonomous and distinct. The mission of the church is spiritual, and its authority should include no element of secular concern; that of the state is temporal, and its jurisdiction should be confined to the physical and external existence of man. But the two are equally sacrosanct, princes and magistrates being, in his opinion, just as much lieutenants of God as ministers of religion. The church wields no sword to punish malefactors or protect itself against the corroding menace of impiety, blasphemy, and heresy. Hence it is the solemn duty of secular rulers to nourish and safeguard religion. To this end and also to that of preserving property, order, and liberty, it is the duty of all Christians to sustain and obey the secular rulers, even "those who domineer unjustly and tyrannically," for they "are raised up by Him to punish the people for their iniquity. . . . But in that obedience which we hold to be due to the commands of rulers, we must always make the exception, nay, must be particularly careful that it is not incompatible with obedience to Him to whose will the wishes of all kings should be subject, to whose decrees their commands must yield, to whose majesty their sceptres must bow. . . . We are subject to the men who rule over us, but subject only in the Lord. If they command anything against Him, let us pay not the least regard to it, nor be moved by all the dignity which they possess as magistrates—a dignity to which no injury is done when it is subordinated to the special and truly supreme power of God."¹

What a portentous exception! Let temporal rulers command anything against God, and no Christian is bound to pay the least attention to it. But who is to decide what is or is not "against

¹ J. Calvin, *The Institutes of the Christian Religion*. Excerpts from Coker, *Readings in Political Philosophy* (1938), pp. 342, 344.

Him"? Not the rulers themselves; not the church; not anybody in a position of authority; for Protestantism allows no one to stand between the individual and his God. Guided by the still small voice of his own conscience, the individual must decide for himself whether the commands of his rulers are against God, and as conscience decrees must he shape his behavior. It is from such philosophies that the most terrible revolutions spring, and also the most dangerous radicalisms.

II

In the realm of politics Protestantism finds itself always impaled upon one horn or the other of an unavoidable dilemma. Denying the supremacy of spiritual over temporal authorities and standing, as it does, for the separation of church and state, it must either acknowledge the supremacy of the latter in cases of conflict between religious and political duty, or it must, if it would in such cases deny the supremacy of the state, take refuge in the antinomian doctrine of individual judgment. No Protestant religionist has ever been willing to concede the right of the state to final authority in moral and religious matters. Luther, Melancthon, Zwingli, Calvin, Knox, and all of the other great leaders of the Protestant movement were united in the opinion that moral law was superior to secular law, and that it was the duty of political sovereigns to be guided by the higher law; but their only means of imposing checks upon the supreme pretensions of temporal rulers was to absolve the individual from the duty of obedience to the political authorities in case of conflict between his own conception of right and things commanded by his rulers. During the height of the struggle against the Roman Church this amounted to no check at all. Without the aid of powerful monarchs the Protestant Revolt had no hope of success; and therefore, as a matter of expediency, Reformation leaders usually acquiesced in the absolutism of the princes who were the champions of their cause. The arbitrary doings of Catholic rulers they might indignantly challenge, but not the equally arbitrary doings of Protestant potentates. The result was not only to give a great impetus to political nationalism, but also to enable ambitious and energetic rulers to fortify themselves in the exercise of absolute authority. The tyrannies of Protestant princes were indulgently overlooked by partisans of the Protestant cause, and

those of Catholic princes were tolerated with equal complaisance by Catholic religionists. National states under absolute monarchs became the characteristic form of government throughout Europe; and the controversies—dynastic, religious, territorial, and otherwise—which were engendered by the rivalries of these aggressive princes soon plunged the peoples of Europe into an interminable series of international wars.

The excesses to which national monarchs went in the use and abuse of their swollen authority led inevitably to a reaction against monarchical power. In the latter part of the sixteenth century appeared a number of vigorous polemics against the absolutist assumptions of kings. None of these had any great influence upon the practical politics of that time, but they are important landmarks in the history of political thought because they not only foreshadow but in large measure lay the foundations of the anti-monarchical philosophies of subsequent decades.

Francis Hotman, a distinguished French jurist, in 1573 published a treatise entitled *Franco-Gallia*, in which he undertook to prove historically that France never had recognized the monarchical principle, but that the people from very earliest times had chosen and deposed kings, enacted fundamental legislation, and transacted other important political business. Hubert Languet or Duplessis-Mornay (it is not certain which) published in 1579 *A Defence of Liberty Against Tyrants*, which assumed to prove that subjects are not bound to obey when the monarch commands what is contrary to the law of God. The thesis of the author was that the monarch's right to rule is contractual, being based on a covenant with the people, as was supposed to be the case with the kings of the Old Testament. Sovereignty is declared to belong to the people by divine right, and the people, therefore, are said to have a right to resist when the king rules heretically.

In the same year George Buchanan, who might be styled the political philosopher of Presbyterianism, published his treatise, *On Sovereign Power Among the Scots*. Political society, reasoned this stern disciple of John Knox, arises out of man's need to escape from the woes of the state of nature. The impulse to political association for the betterment of life was implanted in the human breast by God Himself, and it is accordingly the duty of a monarch to rule in such a way as to promote not only the material but the moral well-

being of the people. The king's right of rulership, says Buchanan, rests upon a compact with the people, who, through their representatives in council, should circumscribe the king with enlightened laws, and who, through independent judges, should interpret those laws properly. The fact that the compact between king and people confers a hereditary right to rule makes no difference; tyrants may be opposed and put to death.

In 1599 a Spanish Jesuit named Juan de Mariana wrote a book called *On Kingship and the Education of a King*, which he dedicated to Philip III of Spain. According to Mariana government grows out of a pre-political state of nature, monarchical government being the earliest type to develop. The power of the monarch at first is unrestrained by law, but as the evolution of political life proceeds legal restraints become necessary, because neither the wisdom of the monarch nor the character of the people is perfect. Monarchy restrained by law is declared to be the best form of government, though it has a tendency to degenerate into tyranny. When that occurs, the people have a right to resist; for royal power originated by grant of the people, and they did not grant away all of their power but reserved certain basic prerogatives to themselves. And even if this were not true, the common sense of mankind would argue for the supremacy of the people.

Shortly after the close of the century—in 1610 or thereabouts—a German jurist of the city of Emden by the name of Johannes Althusius wrote an influential book called *Systematic Politics*. In this he explained social and political organization in terms of contract between the members of society reciprocally, the purpose of the contract being the establishment of law and the ordination of authority. Althusius undertook to define sovereignty as the supreme power of doing whatever pertains to the spiritual or physical welfare of the members of the state. This power, he said, inheres in the people as an aggregate, and political obligation runs not to rulers but to the body politic.

The importance of these radical doctrines of the sixteenth century is found in the tremendous vogue of such ideas as the state of nature, the social compact, the right of revolution, popular sovereignty, and representative government in the democratic philosophies which became the focii of the great political controversies of the seventeenth, eighteenth, and nineteenth centuries. Rivers of blood

were fated to flow in attack and defense of ideas first definitely shadowed forth in the writings just reviewed.

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CHAPTER XI
NATIONAL AND INTERNATIONAL
SOVEREIGNTY

I

AMID the turmoil of contention and warfare that grew out of the Protestant Reform, when religious discord was inducing violent social convulsions and threatening the unity and stability of long-established political institutions, an unimpassioned French lawyer was forging a philosophy of order and integration which in time would come to rank as one of the great landmarks of political thought. Jean Bodin belongs to the immortals. In an age of bigotry and fanaticism he walked by the steady light of reason; in an age of distraction and dissension he exalted unity and order; in an age of irrational creeds he was a believer in none, but an unrelenting foe of intolerance; in an age of intellectual sterility he was an enlightened and independent thinker animated by the true spirit of philosophy.

Of the life of this exceptional man our information is disappointingly meager. He was born, so the record states, at Angers, France, in the year 1530; studied law at the University of Toulouse, and remained there for a time as a lecturer on jurisprudence. Soon the metropolis beckoned, and he took up the practice of law in Paris. By nature a scholar, as much of his career in the capital was devoted to learned pursuits as to the practice of his profession. His literary work quickly attracted attention, and his ingratiating personality brought him into favor with the monarch, Henry III, who appointed him king's attorney at Laon in 1576, the year in which his great treatise on the state was published. After taking up his residence in Laon he was elected to represent the third estate of Vermandois in the estates-general of Blois, where he served with distinctive intelligence and impartiality. When a combination of nobles and clergy sought to compel the king to bludgeon his subjects into Catholicism, Bodin supported the monarch; but, when the king sought permission to alienate public lands contrary to the general interest, Bodin opposed him. In 1581 Bodin was made secretary to the duc d'Alençon's mission to England to seek the

hand of Queen Elizabeth. With the termination of this abortive expedition Bodin's public career came to an end. He resumed his legal and literary work in Laon and died there, of the plague, in 1596.

A mind of fascinating inconsistency is disclosed by Bodin's writings. He was truly a child of the paradoxical age in which he lived, an age that was neither mediaeval nor modern, but displayed striking characteristics of both. Bodin was undoubtedly one of the most original and enlightened thinkers whose name appears in the chronicles of political thought; but in some matters he was as credulous as the most benighted child of the Middle Ages. His works on religion were so broad and tolerant as to draw fire from every quarter and cause him to be attacked as a Catholic, a Calvinist, a Jew, a Mohammedan, and an atheist; but his book on sorcery shows him to have been a believer in witchcraft, astrology, and numerology. His actual religious beliefs are unknown, but he eschewed all dogma and probably was not more than a deist, if that; yet he believed in demonology, and is reputed to have declared that from his thirty-seventh year he had enjoyed the guidance of a friendly demon who would touch his left ear if he purposed doing wrong and his right ear to indicate that he was about to do right.

The versatility of the man is also noteworthy. History, jurisprudence, and politics were the fields he specially cultivated; but his essays on money and public finance entitle him to recognition as one of the fathers of modern economic thought, and his writings on education and religion were highly regarded in their day. He could also turn as neat a trick with Latin verse as any of his contemporaries, as is attested by his famous translation of Oppian's *Cynegeticon*.

Bodin's position as a political thinker is the result of two commanding works—*A Method for the Easy Understanding of History*, published in 1566, and *Six Books Concerning the State*, published in 1576. The first is a commentary on the interpretation and significance of history, and the second is a treatise on the nature of the state. Bodin did not take a cosmic view of history, seeking to find its first causes and unfold its governing laws; but he was much interested in the rational writing of history and in its intelligent interpretation. He insisted that impartiality in judging and recording events was

one of the necessary qualities of a historian, and held that history would supply the answer to many questions if men would only study the subject dispassionately and intelligently. One of his favorite doctrines was that the study of history is necessary to explain the origin and nature of law. The actual law of every people he regarded as but an imperfect expression of the ideal law of nature, and it was his theory that by a comparative study of the beginnings and development of the legal systems of all countries it would be possible to discover true law. Not without justice, therefore, is Bodin sometimes called the father of comparative and historical jurisprudence.

History, Bodin thinks, is heavily freighted with destiny that yields to the human will. Man is the maker of events, and therefore is the maker of his own history. Nevertheless Bodin does not fail to perceive and discuss the influence of such factors as climate, mountains, watercourses, rainfall, soil, and winds, all of which are largely beyond man's control. In appreciation of these potent factors of political causation he excels Aristotle and points the way for Montesquieu and later exponents the doctrine that physical environment is the matrix of political institutions.

If, as Dunning says, Bodin was the first writer to evolve a philosophy of history in the modern sense, it may be said with equal veracity that his *Six Books Concerning the State* is the first truly modern treatise on the science of politics. Bodin fabricates no ideal commonwealth, offers no panacea for the ills of the body politic, advances no dogmas to prop up existing political structures. His quest is for a scientific explanation of the phenomena of politics, and for a system of polity constructed in the light of this knowledge and in conformity with its principles.

II

Jean Bodin's unique contribution to political thought undoubtedly was the doctrine of sovereignty. Although the genealogy of this idea is traceable back as far as the Roman law, Bodin was the first to define it clearly and embody it in a philosophy of politics. Living in a period of political chaos, and conceiving that the religious and other disturbances of the time were attributable in the last analysis to the impotence of political authority, Bodin naturally arrived at a view of the state which exalts unity and power. His

primary concern in fact is not to explain the state, but to justify authority. The individual and his liberties does not figure in Bodin's scheme of things. "A state," he writes in the opening passages of his *Six Books*, "is an association of families and their common possessions, governed by a supreme power and by reason."¹ The individual man thus is identified with the state only through membership in a basic social group, which Bodin, like Aristotle, holds to be the outcome of the necessities of man's being. Not just an aggregation of individuals is this Bodinian state, but a collectivity made up of a huge series of social groups or associations united to form a body corporate. The family is the basic cell of this structure, which includes the trade guild, the church, and all forms of association less inclusive than the state. These lesser groups may be held together by friendship, kinship, custom, mutual agreement, or some other cohesive tie; but the state, Bodin contends, is bound together only by force.

"Indeed a citizen is no other than a free man who is bound by the supreme power of another. For before any state or commonwealth took form, each *pater familias* had final power of life and death over his children and wives. Afterwards strength and the desire to rule, as well as avarice and the passion of revenge, armed one against the other, and the issue of war forced the conquered to serve the pleasure of the more powerful. He who showed himself a valiant leader ruled then not only over his household but also over his enemies and allies—the latter as conquered friends, to each of whom was given freedom to live as he pleased, the former (his enemies) as slaves. Thus that complete liberty which is derived from nature, was taken away, even from the victors, by him whom the latter had chosen as their leader; at least their liberty was diminished; for each, even in his private capacity, had to recognize the supreme authority of another. Thus we see the origin of slaves and subjects, citizens and foreigners, prince and tyrant. . . .

"In this it seems to me that Aristotle, Demosthenes, and Cicero are wrong; for, following Herodotus (I think) they hold that kings first obtained preferment on account of their reputation for integrity and justice. They have thus pictured to us heroic and golden ages; this I refute elsewhere by positive arguments and evidence. For we see that the earliest communities and kingdoms, before Abraham's time, were full of slaves."²

¹ From excerpts from the *Six Books*, quoted in Coker, *Readings in Political Philosophy* (1938), p. 370.

² *Ibid.* pp. 371–372.

Although modern anthropology does not fully support Bodin's view, as stated in the foregoing quotation, that armed force is in all cases the creator of political authority, the researches of scientific students of human origins do disclose a sufficient number of cases in which force has been the sole or a principal factor, to acclaim Bodin as a remarkably acute analyst of social forces. Since Aristotle no man had penetrated so far beneath the surface of social processes, and Bodin exhibits in some respects a keener appreciation of the sociological elements of political evolution than the august Stagirite himself. To Bodin the state is more than just the accidental creature of social forces, of which military might is the most potent; it is the supreme and final product of social evolution, unique in that it alone possesses sovereignty.

"Sovereignty," says Bodin, "is supreme power over citizens and subjects, unrestrained by laws."¹ This power, he argues, is not only supreme but perpetual; for, if it be limited as to time or as to scope, it cannot be supreme. It is a power which has its origin in the people acting as a corporality, and originates in the will of the people, who may themselves retain it. It is customary, however, to commit this power in whole or in part, temporarily or permanently, to the custody of princes and other functionaries of government. If it is bestowed for a term of years, at the pleasure of any one, or in any form so that the possessor is not *legibus soluta*—unrestrained by laws—that functionary, no matter how great the power he enjoys, does not possess sovereignty; for only he has sovereignty "who, after God, acknowledges no one greater than himself."²

Is our philosopher merely toying with abstractions? He does not so intend. Very carefully he rules out of consideration all metaphysical and theological elements by explicitly pointing out that when he speaks of supreme power *legibus soluta* he means unrestrained by civil laws. "As for the laws of God and of nature, princes and people are equally bound by them, so that no one who attempts to abrogate or weaken them can escape the judgments of divine sovereignty. What we have said as to the freedom of sovereignty from the binding force of law does not have reference to divine or natural law."³ But law which has its origin in definite human sources and is executed by human agencies does not come within these categories; such law sovereignty necessarily transcends

¹ *Ibid.*, p. 374.

² *Ibid.*, p. 375.

³ *Ibid.*, p. 376.

It becomes clear upon reflection that Bodin conceives sovereignty to be the highest will that can exist in human society. The first and foremost function of sovereignty, he declares, "is to give laws to citizens generally and individually, and, it must be added, not necessarily with the consent of superiors, equals, or inferiors."¹ Such authority could not be subject to law, because it is the source of law. Nor is it to Bodin an abstruse and nebulous thing, but is perfectly capable of being defined and bestowed in quantum. It may be a product of the individual will of a supreme war lord or of the blended wills of the people in the aggregate, but it is for him a concrete reality just the same. Human society consists of individuals associated in groups, and in every group there is a capacity for ultimate and indefeasible volition with respect to the affairs of that group. The state, like every other association of human beings, possesses such a capacity; and since the state is the all-inclusive entity, its volitional capacity must overmatch all others. That is sovereignty—human will at its highest point of development. It is the unity which stands above all diversity in human society, the centripetal force which exceeds any countervailing centrifugal forces.

Thus it becomes clear that Bodin conceives of sovereignty as a legal competence or quality that inheres in the state. True and perpetual sovereignty, he holds, can exist only in an aristocratic or democratic state where there is an endless continuity of persons invested with supreme political authority; but he believes it to be possible nevertheless for sovereignty to be bestowed upon one individual in such a manner as to make it transferable by heredity, thus justifying the exercise of absolute authority by hereditary monarchs. It may be difficult for us to agree with Bodin that such a legal quality as he supposes sovereignty to be, has any real existence; but even though it is nothing more than a legal fiction, we must recognize that its influence has been tremendous.

Taking sovereignty as a starting point, though its existence be only imaginary, it is easily possible to lay down foundations for law, order, unity, and authority that nothing less than a political earthquake can unsettle. By virtue of its sovereignty the state is excepted from all legal compulsion. It owes obedience to no earthly superior, and can be subjected to no will but its own. Without its own con-

¹ *Ibid.*, p. 379.

sent it may not be sued or made responsive to any legal process whatsoever, internal or external. Its fiat is law, binding upon all subject to its jurisdiction, regardless of ethical or any other considerations. Moreover, the individuals or organs of government which possess and exercise sovereignty, when acting in their political capacities, are themselves invested with immunities which place them on a higher legal level than ordinary citizens. For whatever share they have in the exercise of sovereignty they cannot be held accountable to any private citizens, nor may it be denied that their official acts are the acts of the state.

Fiction though it be, sovereignty supplied the necessary keystone for the incomplete arch of nationalism. It not only linked but supported national unity and independence. It gave legal sanction to the concentration of authority and the supremacy of national government as the vehicle of supreme authority.

Bodin was not unaware of some of the strictures that would be lodged against the doctrine of sovereignty, and he made an endeavor to anticipate and answer such as he foresaw. They involved mostly questions of right and wrong, particularly where sovereignty is held to be vested in a monarch. Is such a monarch bound by the laws? Is he bound by his own oath and promises? Is he bound to respect rights of property? No sovereign, answers Bodin, is bound by laws that he has made or that issue from the sovereignty vested in him. Divine law and natural law govern all sovereigns, but no human authority enforces these bodies of law. If morality and reason do not hold sway over the monarch, he is subject to no restraint; for who other than the possessor of sovereignty is in position authoritatively to interpret or execute the precepts of morality and reason? As to oaths and promises, Bodin holds that the sovereign is not bound when he has sworn to himself or to his subjects because the nature of sovereignty is such that it cannot be restricted by oaths or pledges. If it could, it would not be sovereignty. "We must not confuse laws and contracts. Law depends upon the will of him who holds supreme power in the state, and who can bind subjects by law, but cannot bind himself. A contract between a prince and his subject has mutual binding force, so that it cannot be departed from save with the consent of both parties; in this the prince seems to have nothing above his subjects, except that the purpose of a law to which he has sworn having ceased to exist, he is no longer

bound either by the law or by the oath which he took with regard to the law. A well-advised prince will not suffer himself to be bound by oath to observe the laws, for in such case he does not possess the supreme authority in the commonwealth.”¹

As to property, Bodin is less certain of the unrestricted will of the sovereign. Sovereignty, he insists, is political rather than proprietary, and the supremacy of the sovereign is presumably to be confined to the political sphere. In making the distinction between the political and the proprietary, Bodin follows the classic differentiation of the Roman law between *imperium* and *dominium*; but just how that would be applied in the case of a Louis XIV he does not make plain. In his reaction against Anabaptist communism, Bodin strove to secure property against subversion by any color of right, but succeeded no better than many other philosophers who have attempted the same thing. Transcendent political power, whether in the hands of a prince or a proletariat, will not be hobbled by juristic doctrines of the sacredness of property. Sovereignty is unrestrained action sanctioned by law. Before this, no rights can stand.

III

Though the world chiefly remembers Bodin as the father of the doctrine of sovereignty, he was not a man of one idea. He attempted the fabrication of a complete structure of political thought, and introduced into the building many materials in addition to sovereignty. He was one of the first to appreciate the distinction between the state and the government of the state, and he sharply criticized Aristotle for not having perceived and made the distinction more clearly. He points out that the form of government does not necessarily conform with the form of state at all. The form of state, he asserts, is determined by the allocation of sovereignty, there being three basic forms—monarchy, aristocracy, and democracy. Any of these might, however, have a government of different form. Thus a state which, from the standpoint of sovereignty, is democratic, as in the case of England in our own day, might have a monarchical form of government. So also a state with a republican government (e.g., Fascist Spain) might vest sovereignty in one person as chief of state. By insisting upon such distinctions Bodin did much to

¹ *Ibid.*, p. 377.

introduce clarity and accuracy into political thinking. His personal preference seems to have been for a monarchical form of government, but as to form of state he indicated no positive preference.

Bodin also wrote some interesting chapters on revolutions. In this he may have been influenced by the work of Aristotle, but he surpassed the Greek in his grasp of the rôle of revolutions in state life. Aristotle viewed revolutions as abnormal, the normal condition of the state being in his opinion that of stability and balance. This Bodin rejects as impossible. His conception of the state envisages a natural cycle of life. Like human beings, states, he thinks, are born, mature, decline, and die. Change is inevitable and continuous. It may come slowly and imperceptibly, or it may come suddenly and violently. So long as it does not affect the supreme power—sovereignty—no change is to be deemed a revolution; but when there is a change in the location or possession of sovereignty, there is then a true revolution. The basic causes of revolutions are to Bodin deeply occult, being in some way connected with the movements of the heavenly bodies. Whether this is to be viewed as a hangover in Bodin's thinking of the occult notions of mediaeval astrology, or a brilliant anticipation of modern theories linking human events with sunspot and solar energy cycles, the reader may decide for himself. It is noteworthy, however, that Bodin was sufficiently scientific in his outlook to cite climatic and topographic factors as important contributing causes of revolutions. The man was in reality more modern than many moderns.

As to the practical side of government Bodin gave utterance to many shrewd judgments and sound conclusions. He noted, for example, a distinction that has become exceedingly important in modern administrative law, between merely ministerial offices and functions and those involving the exercise of that discretion which appertains to sovereignty. This distinction is now a crucial one in determining the legal responsibility of public officials in nearly all systems of government. Bodin also discussed at great length the problem of public revenues, and anticipated several of the classic doctrines of modern economic thought as to prices and international exchange. The communistic proposals of Plato and More he took especial pains to combat, but did not fail to recognize the danger of unequal distribution of wealth and to point out the necessity of preventing such a thing if the stability of the state is to be maintained.

Another striking and essentially modern feature of Bodin's political thought is his conception of citizenship. Citizens, according to his view, have but one thing in common, and that is their common subjection to sovereign authority. The Greeks and Romans usually regarded citizens as the favored associates of a fellowship devoted to the commonweal; but to Bodin citizens were subjects, nothing more. No right of participation in government, no immunities or powers, no equality of condition or privilege went along with citizenship according to his view—nothing but the duty of absolute obedience. That, except as modified by special constitutional provisions, is the view which obtains in the modern world. The citizen to-day is one who bows to supreme authority. We talk much of the rights and privileges of citizenship; but we have to look to express constitutional guarantees for most of these, and constitutional guarantees may under various circumstances be suspended or set aside by supreme authority. The right to vote, to hold office, to own property, and enjoy other civil prerogatives are not inalienable attributes of citizenship. Many of them must be expressly granted, and all of them may be abridged or curtailed. But the duty of obedience is always implicit in the fact of citizenship, and is never abrogated or decreased.

IV

Bodin's rank among political thinkers steadily rises as he recedes into the past. In his lifetime he won a reputation as a distinguished savant and lawyer, but none thought of rating him with such peerless figures as Aristotle and Plato. After his death years passed before his true stature was appreciated. Even so recently as 1906 Professor Dunning felt that there was "substantial and well-founded agreement among historians and critics" on not more than one point about Bodin's work; namely, that he "brought back political theory to the form and method from which it had gone far astray since Aristotle, and gave to it again the externals, at least, of a science."¹ Then he goes on to say, "Machiavelli had, as we have seen, taken some steps in that direction. Bodin completed the movement which the Italian initiated. In Machiavelli the method of historical research and contemporary observation was fully appre-

¹ W. A. Dunning, *A History of Political Theories from Luther to Montesquieu* (1905), pp. 120-121.

ciated, but in its application it became little more than mere empiricism, and produced rather a body of principles for the practical conduct of government than a theory of the state. Bodin supplied, from the stores of his systematic philosophy, precisely the factors which were lacking in the Florentine's make-up, and, without neglecting the principles of political practice, so grouped and correlated and generalized them as to present a comprehensive political science—*Staatslehre* as well as *Politik*.”¹

Dr. Murray, a quarter of a century later, is much surer of the enduring greatness of Bodin's thought. The doctrine of sovereignty, thinks this English commentator, not only marks the beginning of but provides the indispensable foundation for the political philosophies that have grown out of modern nationalism. “Machiavelli,” writes Murray, “could have written his two important books at any time. Bodin could not have written the *République* much before the closing quarter of the sixteenth century. So long as the Holy Roman Empire lasted in its pride of place, it was utterly impossible to conceive of any such thing as the sovereignty of the monarch of a particular country. Stage by stage we ascend the mediaeval pyramid. At its base there are villeins, and then free men chiefly in towns. Above them stand the squires, and then the peers. Above these are the kings, and above them all at the apex of the pyramid stood the Holy Roman Emperor. In this rough manner we may conceive mediaeval society. In 1348 this pyramid received an earthquake shock [the Black Death], and from the effects of it there was no real recovery. True, it took time to reveal the fissures in the fragments of the stones. Time undoubtedly revealed them, and revealed them increasingly. What the Black Death had begun, the labors of Copernicus and Columbus completed. Very slowly men like Pierre Du Bois perceived that the Holy Roman Empire was in a position of unstable equilibrium. His plan, however, was simply to substitute a Holy French Empire for the Holy Roman Empire. It was reserved for Bodin to point out that the days of universal empires, whether Roman or French, had altogether passed away. The day of nascent nationalism had arrived, and with its arrival it was high time to devise a theory of sovereignty. To this task Bodin addresses himself in his *République*, and it constitutes his most permanent achievement.

¹ *Ibid.*

"On its appearance the *République* found no lack of appreciation. Men noted in it the growing sense of naturalism in political theory, and they also noted in it the notion that expediency is triumphant in politics. Publicists like Paruta and Loyseau noted in it the element that political thought just then most urgently required. No doubt such theologians of the League ¹ as Possevin and Guillaume Roze attacked it with all the virulence at their command. On the other hand, Montaigne bestowed on it his considered approval, which was emphatically endorsed by Grotius and Hobbes, Filmer and Pufendorf. The history of the seventeenth century centres around that problem of sovereignty that Bodin was the first to state with any measure of preciseness." ²

And he might have added, the history of the eighteenth, nineteenth, and thus far of the twentieth centuries. Nationalism is still the basic fact of the world's political organization, and sovereignty is the philosophic cornerstone of nationalism. Bodin's theory of sovereignty has been challenged again and again; the modern pluralists have indicted it as conceived in error of analysis and born of sin against the most sacred rights of man; but still the peoples of the world persist in behaving as though it were true. Two cataclysmic world wars and two agonizing periods of post-war readjustment, all in large measure attributable to excesses of nationalism and abuses of sovereignty, have been unable to shake their devotion to the sovereign national state. It would be pressing the argument too far to say that all this is the outgrowth of Bodin's thought, but it is not too much to say that he was the first to perceive the inexorable logic of nationalism and to fashion a system of political thought that would aid enormously in fostering national self-government and supremacy.

V

As the career of Bodin drew to a peaceful close at Laon, pundits in the Low Countries were marking with amazement the precocious genius of an eleven-year-old boy in the University of Leyden. Born in the city of Delft on Easter Sunday, 1583, the wonder child of Leyden was destined to give the world a philosophy of international

¹ The famous Holy League, formed under the leadership of Henry of Guise for the suppression of heresy and the destruction of the Huguenots.

² R. H. Murray, *The History of Political Science from Plato to the Present*, pp. 178-179, 185-186.

sovereignty to go hand in hand with Bodin's philosophy of national sovereignty and lay the basis for modern international law and international political ideology. History knows this prodigious youngster as Hugo Grotius, the Latin *nom de plume* which he adopted at the University, but he was christened Huig van Groot. The van Groot family was an unusual one. Wealth had been in the family for several generations, but it was for public service and intellectual attainments that it was especially distinguished. The father of Hugo was a man of great learning, having taken the degrees of master of arts, master of philosophy, and doctor of laws at Douay. He was a highly successful lawyer, and was also much interested in education, being one of the three governing directors of the University of Leyden. He took personal charge of his son's education up to the age of seven, and then, perceiving that the boy had qualities of genius, placed him under the best tutors available. At the age of eight the young prodigy was producing Latin verses which claimed the admiration of the most exacting critics, and at the age of eleven he was ready for matriculation in the University of Leyden.

At the University the boy added materially to his reputation as an intellectual wonder; so much indeed that at the age of fifteen he was honored by an appointment to accompany a special embassy of Dutch officials to Paris. This legation was headed by the great Barneveld, who had conceived an affection for the brilliant lad and was to be a decisive factor in his future career. During the year that he was in France with this diplomatic mission young Grotius learned the French language, received a doctor's degree from the University of Orleans, made the acquaintance of the leading scholars and statesmen of the Gallic kingdom, and won the special favor of the reigning monarch, Henry IV. Returning to his native land, he took the degree of doctor of laws at the University of Leyden and thereupon, being yet only sixteen years of age, embarked upon the practice of law at The Hague. Success and honors followed rapidly. Soon he was pleading before the highest tribunals of the land and winning cases that established him as one of the leaders of his profession. At the same time he continued his literary scholarly interests, and produced poetry, dramas, and learned treatises which brought him an international reputation. At the age of twenty he was made official historian of the Dutch Republic, to write the story of its valiant struggle for independence from Spain; and shortly

thereafter he was appointed advocate general of finance for the provinces of Holland and Zeeland. At thirty he was made pensionary (chief magistrate) of Rotterdam and was also selected to be one of a diplomatic delegation to go to England and conduct negotiations of great importance to his country. Though the diplomatic negotiations came to naught, Grotius remained in England several months and improved his time by making a wide circle of friends.

Such unbroken sunshine as had favored the career of Grotius up to this point could not last forever. Soon after his return from England clouds began to descend—clouds of religious bigotry and fanaticism. It all grew out of a ridiculous doctrinal controversy between two Protestant factions, which Grotius, on account of his official position, could not escape being drawn into. Arminius, a professor of theology in the University of Leyden, started the trouble by teaching doctrines as to predestination, atonement, and saving grace that were far too liberal for the orthodox Calvinistic taste. He was answered by Gomar, another Leyden professor, and soon the fat was in the fire. Pastors and people declared themselves to be either Arminians or Gomarists, and scores of congregations were rent in twain by the dispute. So widespread and bitter did the controversy become that political complications were inevitable. Prince Maurice of Orange, seeking an opportunity to strengthen the position of his house in Dutch politics, sided with the Gomarists, who were in the majority. Barneveld and many other leading patriots were aligned with the Arminians.

Grotius took no part in the theological aspects of the quarrel, though his sympathies were with the Arminians; nor did he become involved politically until his official position made action necessary. The legislative assembly of the Dutch states, fearing that the row might lead to civil disturbances, decided to stop it, and appointed Grotius to prepare an edict commanding toleration and forbidding ministers to discuss the disputed questions from their pulpits. The Gomarist party took violent offense at this edict and refused to obey it. Thereupon Barneveld, the grand pensionary, secured the adoption of a measure authorizing the use of troops to suppress disorders. Barneveld and Grotius thus incurred the unrelenting hatred of the Gomarists and gave Prince Maurice the means of executing a bold stroke to clinch his popularity with the majority party. Pretending

to act in the interest of public order and security, he suddenly placed Barneveld and Grotius under arrest and charged them with conspiracy against the peace of the state. This occurred on August 29, 1618.

Barneveld was brought to trial on the charge of treason on March 7, 1619, convicted and put to death. Grotius was tried on the same charge on the 18th of May, and escaped the death penalty largely because Barneveld had insisted that the responsibility was primarily his. The sentence imposed on Grotius exacted the forfeiture of all his property and condemned him to life imprisonment. He was immediately transferred to Loevenstein prison to begin the sentence. He spent two years in this somber bastille and might have remained there for life had it not been for the courage and ingenuity of his wife.

As a political prisoner Grotius was allowed to have his wife in prison with him and was also allowed to bring in food, linen, books and other articles for his use. It was customary for such things to be brought to the quarters occupied by Grotius in a large chest which was always under heavy military guard. The chest would be left until the Grotiuses had emptied its contents and filled it with articles to be carried out of the prison. Since there were two rooms in the apartment they occupied and Grotius was not always present in the main room when the guards brought and carried away the chest Madame Grotius conceived the idea that her husband might some day be substituted for books and be carried to freedom. She carefully rehearsed Grotius for the attempt and made discreet arrangements for his reception on the outside. Then one day in the spring of 1621 she called the guards to remove the chest as usual, made a distracting joke about Arminian books when they complained about its weight, calmly watched them lock the door which might seal her own fate and her husband's too, and resigned herself to whatever might come. The ruse was completely successful, and Grotius, with the aid of friends, quickly made his way to Paris in April, 1621. Fortunately the vengeance of the authorities did not extend to Madame Grotius, and she was shortly able to join her husband in the exile which was to continue for the remainder of his life.

Through influential connections in Paris, Grotius was able to secure for a time a small and irregular pension from the French king but this, even if it had been promptly and fully paid, was insufficient

for his needs. The tragic rôle of impoverished gentility was now to be his until the end of life. His intellectual fecundity, however, suffered no impairment on account of the straitened circumstances into which he had fallen. Before he had been in Paris a year he had two treatises ready for the press and a third in preparation. In the spring of 1623 he began work on a plan he had long had in mind to write something on the rights of war and peace, and by June, 1624, it was nearly finished. A year later it was published in Latin under the now immortal title *De Jure Belli ac Pacis*. It was the master work of his life, now venerated as the first thorough and comprehensive book on international law. The appearance of this book greatly promoted Grotius' fame, but brought him no money. His material circumstances becoming increasingly unbearable, Grotius began to cast about for some appointment that would pay him a living. He had hoped that some turn in political events might enable him to reënter the service of his own country, but of this there appeared not to be the slightest chance. So in 1630 he reluctantly renounced his Dutch citizenship and went to Sweden, where he was appointed counselor to the queen. This was shortly followed by an appointment to be Swedish ambassador to Paris, and Grotius thereupon returned to the French capital.

The next ten years were spent in Paris as Swedish ambassador. They were years of distinguished diplomatic achievement, but also of continuous financial difficulty. The ambassadorial stipend was uncertain and small, and Grotius steadfastly refused to stoop to the then common practice among diplomats of accepting bribes from other sovereigns as a means of supplementing the official income. In 1645, feeling that his usefulness was at an end, he asked to be recalled and returned to Stockholm. He was urged to remain there in the service of the Swedish crown, but apparently had other plans. He embarked for Lübeck on August 12, 1645, but never reached his destination. A heavy storm forced the ship to put into port near Danzig, and Grotius set out for Lübeck by wagon. En route he was suddenly taken ill and died at Rostock on the 29th of August.

Now that he was dead his native land was ready to receive him back. The body was taken to Delft and buried in the Nieuwe Kirk, which by virtue of this immortal entombment has become an international shrine.

VI

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By this process of thought Grotius reached the conclusion that there is a body of universal law—the universal law of nature, or right reason—which is uniformly applicable to all peoples, and is as authoritative and absolute as Supreme Reason itself. “The law of nature, again, is unchangeable—even in the sense that it cannot be changed by God. Measureless as is the power of God, nevertheless it can be said that there are certain things over which that power does not extend. . . . Just as even God, then, cannot cause that two times two should not make four, so He cannot cause that which is intrinsically evil be not evil. . . . Furthermore some things belong to the law of nature not through simple relation but as a result of a particular combination of circumstances. Thus the use of things in common was in accordance with the law of nature so long as ownership by individuals was not introduced; and the right to use force in obtaining one’s own existed before laws were promulgated.”¹ From this quotation it is apparent that Grotius thought of mankind as being subject to a body of eternal principles which are part of the very nature of God Himself, and which are therefore inherent in all things terrestrial as well as in all things celestial. This law of nature must apply to all peoples and govern their mutual relations.

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based, not upon absolute reason, but upon mutual consent evidenced by "unbroken custom and the testimony of those who are skilled in it."¹ Grotius had much difficulty in maintaining this distinction, and even more difficulty with the *jus gentium*, which was the third leg of his tripod.

The Roman *jus gentium* was a body of private law which had been evolved in the administration of justice between aliens or between aliens and citizens. Grotius treated it as public law, governing the relations between peoples; and reasoned by analogy that a similar body of law had grown up in Europe. His analogy was bad and much of his discussion without point as to international law. Nevertheless his performance was impressive and stimulated thinking in broader terms about the legal side of international relations. Ideally, according to Grotius, precepts receiving the common consent of nations should not be inconsistent with the law of nature. If a rule was commonly observed by universal consent, it must be for universal advantage, and how could that be true if it were contrary to the law of nature? But Grotius was so strongly conscious of the principle of sovereignty that he could not dogmatically deny that accepted usages had the force of law simply because they lacked the sanction of universal reason. He felt compelled to admit that if the element of common consent was present, a rule must be recognized as law from the practical standpoint, irrational though it might be.

When he came to face the concept of sovereignty, Grotius had a still more difficult time. He could not ignore it, because it was a political, if not a legal, fact. Furthermore he had to face the fact of war. If he held war to be under all circumstances incompatible with law, he must *ipso facto* deny the validity of both the law of nations and the law of nature. For it was a self-evident fact that war and many of its usages existed by reason of common consent, either express or implied; also that war in many instances was not in conflict with prevailing standards of right reason. So Grotius undertook to reconcile law and war. "The end and aim of war," he said, "being the preservation of life and limb, and the keeping or acquiring of things useful to life, war is in perfect accord with those first principles of nature. If in order to achieve these ends it is necessary to use force, no inconsistency with the first principles of na-

¹ *Ibid.*, p. 40.

ture is involved, since nature has given to each animal strength sufficient for self-defense and self-assistance. . . . Right reason, moreover, and the nature of society . . . do not prohibit all use of force, but only that use of force which is in conflict with society. . . . ”¹

But to outlaw force in conflict with society there must be some authoritative basis of differentiation between the social and the anti-social use of force. For this the concept of sovereignty was indispensable. To legalize the use of force without the sanction of organized society would be to make every person the judge of the propriety and legality of his own acts of violence. Hence it was necessary for Grotius to declare that the use of force could not be regarded as legal unless it had the sanction of social authority; but, when he undertook to define and locate social authority, he could find no more satisfactory starting point than Bodin's doctrine of sovereignty. Therefore he laid down the postulate at the outset of his treatise that lawful war can occur only when two conditions are satisfied: first, that it shall be waged under the authority of one who holds the sovereign power in the state; and, second, that it shall be conducted in conformity with certain regularizing formalities.

In defining sovereignty Grotius followed Bodin so far as to say, "That power is called sovereign whose actions are not subject to the legal control of another, so that they cannot be rendered void by the operation of another human will."² This supreme power, in his opinion, was a necessary product of social life. Because sociability is instinctive, he declared, men associate together perhaps quite involuntarily. From primitive forms of association they proceed consciously to the formation of organized groups, and each member, upon entering such a group, assumes an obligation to maintain the group. By this social compact the community is made sovereign. The people of a community may retain sovereignty in their own hands, exercising it through responsible magistrates, or they may yield it to a prince or king to be exercised by him as he sees fit. Furthermore they may grant it to their rulers conditionally or unconditionally; may divide or concentrate it as they prefer. In arguing the possibility of limited and divided sovereignty Grotius differed from Bodin, who conceded nothing of sovereignty to political authorities devoid of total and supreme power.

¹ *Ibid.*, pp. 52-53.

² *Ibid.*, p. 102.

At this point in his theory Grotius ran into heavy seas. If sovereignty meant supreme authority, so far at least as external relations were concerned, how could a sovereign state be subject to international law? To this question Grotius gave as good an answer as has ever been made. The state, he repeated, is a community of human beings organized to do for the individual what he is incapable of doing for himself. By voluntary agreement, according to the theory of social compact, each individual subjects himself to the sovereignty of the state and to the law that issues therefrom. Hence, Grotius argued, the national will has its origin in the free will and reason of the citizens of the state. Similarly, he contended, the nations of the world constitute a community—not of individuals, but of states. This community of nations, he said, exists by reason of the same basic social necessities that have summoned individual states into being and stands in the same need of law. Such being the case, it should logically follow that every nation taking its place in international society voluntarily subjects itself to the necessary and generally accepted law of international society.

It is easy to pick flaws in this logic. In the first place, it begs the question by assuming too much. The nations of the world were far from constituting an international community in the time of Grotius, and probably have not yet fully reached that stage of development. In the second place, it presses the analogy between national and international community life farther than the facts justify. The individual in becoming a member of a national state entirely divests himself of all attributes of sovereignty and of all right to oppose his will to that of the state; the sovereign state, becoming a member of the international community, surrenders none of its sovereignty and freely claims the right, in matters vital to it, to oppose its will to that of the whole world.

But these very weaknesses in the logic of Grotius have become an imperishable crown of glory; for by predicating international law upon a hypothetical community of nations, he not only gave a tremendous impetus to juridical thought which treats the usages of international life as though they were the law of a community of nations, but also traced out the only path by which a world of independent sovereign states may move in the direction of order and integration. Grotius was but one of many thinkers whose minds were marching in this direction, and scientifically his work

deserves no more acclaim than that of Vitoria, Suarez, Ayala, Gentilis, and others who both preceded and followed him; but his writings did more to crystallize attention on the problems of international jurisprudence than those of any other man, and so he has come to be called the "Father of International Law."¹

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CHAPTER XII
THE DIVINITY THAT DOTH
HEDGE A KING

I

FEW theories have served political society more usefully than the much-belabored dogma of the divine right of kings. This view is now unpopular, but it is in accord with the well-attested facts of history. For much that they now enjoy of solidarity and stability, of internal security and tranquility, of functional energy and efficiency in their governmental processes, modern national states are deeply indebted to the dominance, during the formative period of national politics, of the divine right theory. It was an utterly false theory, but an immensely serviceable one. Only an unsophisticated or a theologically blinded mind could believe that rulers actually were invested with divine qualities; only a jesuitical mind could find in such a belief an infallible rationale of political absolutism; but the practical utility of political theories is not always to be gauged by their truth or falsity. Sometimes a wholly false theory may possess dynamic properties which enable it to shape the course of human events more profoundly, and sometimes more beneficently, than other theories of greater truth and less viability. It was so of the theory of divine right.

The western world at the end of the mediaeval period trembled on the brink of anarchy. Universal authority was no more: that of the Holy Roman emperors was dying of pernicious anemia, and that of the popes was being blasted to fragments by the combined forces of nationalism and ecclesiastical reform. National authority, on the other hand, was not yet fully born. National dominions were as yet incompletely consolidated, and national spirit, though at times very intense, was generally disposed to be incoherent and uncertain of purpose. Thinking men clearly perceived the need of widespread and powerful authority; but the bases of authority were as obscure and baffling as the causes of the Black Death. Indeed the people of the time had perhaps more fixed and definite ideas about the causes of the plague than they had about the sources and sanctions of political authority.

To some extent authority was still exercised by virtue of feudal right, but feudal prerogative was in decay and progressively declining to minimal proportions. To a certain extent also, authority was predicated upon ecclesiastical claims, both Catholic and Protestant; but these were disputed, and were being rapidly undermined. In some instances authority was derived from the corporate privileges of trade guilds and municipalities, but these were limited in scope and entirely uncorrelated in function. Some shadowy remnants of authority also adhered to the imperial crown, but these served no purpose save to cast doubt upon the validity of all pretensions to authority. National princes, of course, were vigorously asserting the right to wield supreme and conclusive authority, but their claims rested upon little more than the right of might. Into this welter of uncertainty and vociferation the theory of divine right of kings struck like a positive chemical reagent, and precipitated a definite, solid dogma which men not only could believe but could use as a practical means to practical ends. It was, for the circumstances, undoubtedly the simplest, the most plausible, and the most practicable doctrine of political authority.

Dr. J. N. Figgis¹ has shown that the doctrine of divine right of kings was lineally descended from the claims of divine right put forth in support of the authority of popes and emperors. Christian political ideology, especially after the promulgation of the mystic Augustinian concept of the *Civitas Dei*, tended to regard all authority as an emanation of the will of God. That of the popes must be so, if the papacy was historically and sacerdotally the sort of institution it assumed to be. No other hypothesis could satisfactorily explain or justify the exercise of such authority as the bishops of Rome had arrogated to themselves. The popes were obliged either to advance the claim of divine right or recede from all pretensions to primacy both in church and state.

Similarly the mediaeval empire was bound sooner or later to resort to the claim of divine right. All Christians acknowledged Christ as their true lord and sovereign; but Christ dwelt in heaven; and his suzerainty was more or less an abstraction. On earth the sovereign authority of Christ was exercised by his representatives. The pope was concededly the spiritual representative of Christ on earth; and, if the dualistic theory were correct, the emperor was his

¹ *The Divine Right of Kings* (2nd ed., 1914), Chap. III.

temporal representative. But the emperors, having military might at their command, were not disposed to attach overmuch importance to the theoretically divine origin of their authority until they found themselves being blotted out of the picture by popes asserting that spiritual supremacy gave them authority over temporal rulers. Then the emperors perceived the practical value of the divine right theory and proceeded to give it high place in their arsenal of arguments. If the pope could argue that he was the head of Christendom, by divine appointment, and supreme over church and state, the emperor could reply that secular authority was equally of divine appointment, that Christ had enjoined obedience to the secular powers, and, indeed, that the committing of secular authority to the emperor vested in him a higher authority over temporal matters than could be vested in the pope, whose jurisdiction embraced non-mundane things alone.

Thus as a counter-theory to the divine right of the papacy the divine right of secular authority became one of the buttressing dogmas of the Holy Roman Empire. Doubtless there also lingered in men's minds vague memories of Caesarism and its deified emperors, and this may have added a grain or two of credibility to the notion of divinely ordained secular authority. However that may be, it is not difficult to understand why, upon the decline of the Holy Roman Empire, the idea of the divine right of national monarchs should naturally succeed to that of a divinely appointed emperor. Patriotism cannot bear the thought of alien rule; and, as national spirit grew in volume and intensity, it was inevitable that the religious mind—and the mind of the Reformation period was no less religious than that of mediæval times—should see in the king the personification of God's will as to political rulership. Kings could wield real physical power; they were the pacifiers of the state, who had put down internal strife and established security and order; they were, moreover, the leaders of their people in war, the defenders of national honor and independence, the symbols of national unity and greatness. If God approved of nations at all—and this no patriot could doubt—He surely must have sanctioned and blessed the kingship.

Of equal plausibility were the various other foundations upon which the doctrine of divine right was predicated. Feudalism, though on the wane, was still a potent influence upon the thought

of the time. The distinction between a nation as a political entity and as a feudal estate was not yet wholly clear. To the king as supreme and hereditary landlord belonged the time-hallowed rights of feudal suzerainty over the nation as a whole, and it was natural that this should enhance the belief in the unique, if not sacerdotal, character of royal authority. Added to this was the juristic doctrine of sovereignty, which was beginning to gain wide acceptance. Sovereignty and the divine right of kings fitted together like hand and glove.

Bodin and the other philosophical expounders of the theory of sovereignty had not insisted that sovereignty must in all cases reside in the monarch. To them sovereignty was a quality belonging to a people viewed as a juristic entity. To the non-legal mind, however, this abstruse concept was unintelligible, whereas the idea of sovereignty vested in a king was simple and easily grasped. That kind of sovereignty was visible to the naked eye, and at the same time satisfied the postulates of supremacy, indivisibility, inalienability, and so forth which make up the framework of the theory of sovereignty. Though sovereignty, from a purely juristic standpoint, is not a supernatural attribute, the idea of absolute authority is so commonly associated in popular thinking with extra-human sanctions that the ascription of sovereign authority to monarchs greatly abetted the growth of the doctrine of divine right of kings. History, too, could be summoned to the support of the doctrine. The Bible, at that time, was pretty generally accepted as authentic history, and Biblical accounts of the beginnings and development of human society did not lack instances which could be cited in favor of the theory of divine right of kings.

Being founded, therefore, upon assumptions which were wholly rational according to the beliefs of the age, and upon practical considerations wholly consistent with the facts of its political life, the divine right dogma carried all before it, and left upon the political consciousness of western peoples the impress of behavior-patterns which the passing of more than three centuries has not sufficed to erase.

II

The divine-right theory has appeared in numerous forms, all of which have won the adherence of multitudes of conscientious and

rational beings. Most naïve of all variants of the theory is that which credits the ruling monarch with descent from a divine parent or ancestor. This notion rarely fails to arise somewhere in the early stages of political development, especially among primitive or semi-civilized peoples. In this form the doctrine must have been a considerable factor in the regularization and permanent rooting of political authority among peoples on the way to state life. Being of divine genealogy, the king not only must be obeyed but worshipped as well. His person is sacred, and the authority he wields must be sacrosanct. Sophistication and advancement in culture tend to discredit this childlike faith in the divine descent of royalty, and supporters of the dogma of divine right are forced to seek more subtle explanations of the divine basis of monarchical power. For this purpose, in Christian countries, Scriptural proof has done yeoman service.

In creating Adam, according to one of the earlier forms of Scriptural demonstration, God not only fashioned the first man but the first *pater familias*. As head of the first family Adam was invested with paternal authority, having received the same with the breath of his body from the empirical Jahveh himself. From Adam this authority was transmitted by inheritance to his patriarchal successors through the generations until finally it came to repose in the hands of reigning monarchs, who must therefore be regarded as patriarchal overlords enjoying by divine sanction the same familial authority which Adam had received directly from the Almighty.

For minds which did not doubt the perfect historicity of the Hebrew Scriptures, this hypothesis was entirely satisfactory; but for those which could not take their Scripture in undigested lumps, a less strained exposition of the Scriptural basis of divine right was necessary. This was found in the universal belief that the Bible, whether good history or not, did contain the authentic word of God for the regulation of human conduct. This no Christian would deny. The Bible was the court of last appeal on all questions of man's duty under the will of God. By a discriminating selection of Biblical texts, therefore, it was easily possible to convince the pious that the rule of kings was founded on the express approval of the Lord Jehovah. "Counsel is mine, and sound wisdom," declaims the Lord of Hosts in the fifteenth chapter of Proverbs: "I am understanding; I have strength. By me kings reign, and princes decree

justice. By me princes rule, and nobles, even all the judges of the earth." If such gleanings from the Old Testament—and there were many of like tenor—did not suffice to convince the Christian, there were the infallible words of the meek and lowly Nazarene himself, commanding his followers to "render unto Caesar the things which be Caesar's," and his even more conclusive remark in reply to Pilate's boast of power to send him to the cross: "Thou couldest have no power at all against me, except it were given thee from above." And if these were not enough, there were the apostolic admonitions of St. Peter and St. Paul, saying "The powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God."

The philosophic mind, however, would not be content with Hebrew history and Scriptural quotations. It demanded a demonstration of the validity of the divine-right theory in terms of natural reason. For this mind too there was a seductive garb in which to present the doctrine of divine right. God, it solemnly premised, is the author and director of the universe, and necessarily also of human society. God, therefore, must have foreseen the need of order, justice, and regulative authority in human society and made due provision for it. Such institutions of authority as develop in human society must consequently be part of God's unfolding plan and consistent with His will. From savagery upwards to civilization every step in the progress of the race has been a step in the direction of more potent and more highly centralized authority. If such is the law of nature, it is also the law of God, and royal power is to be viewed as a product of natural evolution under the guidance of God. Kings are God's viceroys and the only legitimate rulers of men.

As to which of these various modes of proving the case of the divine right of kings had the most influence, we need not pause to speculate. Their combined weight was sufficient to fasten the idea upon the European mind in a way to produce tremendous consequences. European peoples accepted monarchy as a divinely ordained institution, acknowledged the indefeasibility of rulership by hereditary right, absolved kings (and therefore political authority) from accountability to any but God alone, and humbly accepted unquestioning and obsequious obedience as the portion assigned to them by the decree of the Supreme Ruler. Kings, taking advantage of the absolute authority which thus fell into their laps, lorded it

over their subjects like oriental despots; ignored law, justice, honor, and decency; stifled liberty and fattened on tyrannical exploitation of the realms they claimed to rule as deputies of a just and merciful God. But they also consolidated political power, welded discordant and heterogeneous populations into vast national communities, built up great and powerful states, furnished a nexus for the growth of patriotism, laid the foundations of national cultures, and, most important of all from the modern point of view, made unquestioning obedience and unquestioning belief in the sacred character of supreme authority the first article in the creed of patriotism and the first duty of a loyal citizen.

III

Not many lustrous names adorn the history of the divine right doctrine. No Platos, Aristotles, Aquinases, Bodins, Mores, or even Machiavellis enlisted their talents in its behalf. Millions of men believed it, and multitudes of writers espoused and defended it; but not one gained immortality through his efforts. It was based upon premises just as true and deductions just as logical as many other theories of government which have shed everlasting fame upon their originators and propounders. But the partisans of the divine-right theory, instead of gaining credit, have gained something akin to reproach. They have been put down as destroyers of human rights and foes of human progress.

The most illustrious name in the list of divine-right protagonists is undoubtedly that of the poet Dante, whose *De Monarchia* was written for the purpose of demolishing the temporal pretensions of the papacy and proving that monarchical power centered in a universal emperor who was ordained of God. No more forceful and lucid argument for secular supremacy was ever penned. Subsequent exponents of the theory of divine right found in the *De Monarchia* a rich store of ammunition both for attack and defense; yet the reputation of Dante rests mainly upon his other works. Gladly would men forget the book which places the lover of Beatrice among the champions of kingship by divine right. But it was a great book which ably espoused a great theory of government. Man could only fulfill his destiny, according to the fundamental postulate of the great Florentine writer, and could only realize the full measure of his endowments, when united with other men in social life. With-

out peace, order, and justice there could be no social life; and, without monarchy, if experience proved anything, there could be no peace, order, and justice. It was God's will that men should live under conditions propitious for the realization of the best that is in them, and hence that they should live in a social system providing the utmost peace, order, and justice. History showed that this was best attained under powerful monarchs such as the Roman emperors were; hence monarchical authority must be ordained of God. Supporting this line of reasoning with an abundance of historical material, Dante produced a document that exercised a great influence upon the development of the divine-right theory.

In England royal power was earlier established upon an impregnable basis and was fated to meet an earlier challenge than in other European countries. The able Tudor line made royal rule virtually absolute in the Island Kingdom, but, being practical governors rather than doctrinaire theorists, did not bother much to inquire into the religious, ethical, or philosophical implications of their achievement. There was protest and inclination in some quarters to resist; but the Tudors succeeded in passing on to the first of the Stuarts a kingdom in which royal authority was firmly established. Before he fell heir to the English crown the pedantic James I had reigned some years in Scotland and had enjoyed no little success in quelling "Presbyterian Hildebrandism" in that turbulent realm. So he came to the throne as well-schooled in absolutism as any of his predecessors had been.

But he was not the man for the spot. The fear of domestic anarchy and the danger of foreign conquest, which had helped the Tudors consolidate their power, no longer figured in the equation. Moreover, James was an alien and was strongly suspected of Romish leanings. James believed that his succession to the English throne was a triumph for the principle of legitimacy and hence for that of divine right, whereas for the English it had been merely an expedient to avoid civil war. The more he suffered in popularity, the more vociferously did James insist upon the indefeasibility of his royal powers and prerogatives. It became a sort of obsession with him. In 1598, five years before his accession to the crown of England, he published a tract entitled *The True Law of Free Monarchies*. In this he upheld the dogma that kings rule by divine right, and supported his arguments by appeal to the Scriptures, to the law of

nature, and to the law of Scotland. In 1607 he traversed the same ground again in a tract called *An Apology for the Oath of Allegiance*, and in 1615 he entered the lists a third time with a pamphlet entitled *Declaration of King James I . . . for the Right of Kings*. By these literary efforts James became the most conspicuous champion of the divine-right theory in his day, and became also the chief target of the slowly rising opposition to that theory. Neither he nor any of his dynasty were ever completely able to overcome the ill-will and suspicion which these ill-timed products of the royal pen helped engender.

Perhaps the most artful and effective controversialist on the royal side of the struggle in England was a country knight named Sir Robert Filmer. Filmer was a Cambridge man who lived the life of a prosperous rural squire until the Puritan Revolution aroused his combative spirit and fired him with zeal to answer the attacks that were being made upon the monarchy. Then he rushed into the fray with a series of pamphlets and books which soon placed him in the forefront of the royal apologists. Filmer's best known work is his *Patriarcha*, which was not published until twenty-seven years after his death in 1653. As the title of the book indicates, Filmer supported the principle of divine right on a patriarchal theory; one quite different from the patriarchal theory of the present day, but one widely entertained in the sixteenth and seventeenth centuries. He started with the proposition that God had bestowed patriarchal authority upon Adam as head of the first family. From Adam he traced the descent of this authority through successive generations to Noah, and from Noah he traced it through Noah's three sons, Shem, Ham, and Japheth, to the three continents of whose inhabitants they were the supposed progenitors. In direct line from the three sons of the ancient amphibian, Filmer explained, patriarchal authority has descended to the heads of tribes and then of nations. This, of course, was preposterous history, but it was the kind of history that the faithful of his day devoutly believed, and, indeed, that not a few of the fundamentalists of our own day still believe.

But it was not as a creative thinker that Filmer was most effective. His peculiar forte was to let the wind out of the arguments of the anti-monarchists. He met them on their own ground and turned their own best arguments to their disadvantage. The idea of popular sovereignty he ridiculed as fantastic and impossible. If all the

people had to consent to the exercise of sovereignty, he acutely pointed out, government would be a never-ending *mêlée*. If, on the other hand, the consent of only a majority were necessary, he thought the case would be just as bad. What assurance could there be that majorities would govern wisely and justly or that they would contain those members of the population best fitted by intelligence, ideals, and experience to wield sovereign authority? With Bodin he took the position that sovereignty must be indivisible or it is not sovereignty at all. How could this be possible, he inquired, under popular rule?

As to tyranny, he thought popular government was more dangerous than absolute monarchy. The tyranny of the many, he asserted, was just as real and even more intolerable than the tyranny of one. If it was bad for one man to be above legal control, it was infinitely worse for many to be so situated. The idea that government must be regulated by law and not by the capricious will of man, he met by pointing out that in the last analysis it is always the capricious will of man which determines the meaning and application of law, and that a government of laws rather than men would necessarily preclude such things as the power of pardon and the functions of courts of equity. He vigorously combated also the argument that absolute monarchy was inconsistent with natural right and natural law. The rule of one he held to be in entire accord with the law of nature. Proof of this he found in the institutions of primitive peoples and in the habits of lower animals. There was abundant evidence that men and animals both in the less artificial stages of their development instinctively and naturally preferred the rule of one to the rule of many. Since it appeared to be natural for God's creatures to behave in this way, it must be inferred that the rule of kings was approved of God. No wonder Sidney, Milton, Locke, and other advocates of popular sovereignty regarded Filmer as a dangerous antagonist and directed heavy broadsides against him. He was as devastating as an army to the popular cause.

On the continent of Europe the flood-tide of royal absolutism came in France during the gorgeous reign of Louis XIV and found its intellectual avatar in the resonant Bishop Bossuet. This mellifluous ornament of the Chapel Royal was appointed in 1670 to be tutor to the dauphin, Louis XIV's only son. The relief from ecclesiastical duties which this appointment afforded gave Bossuet op-

portunity for scholarly endeavor, and he improved his time by writing a series of treatises for the instruction of his royal pupil. Among the works which took shape under his pen in this period were two of undoubted significance in the story of political thought: the *Discourse on Universal History* and the *Politics as Derived from the Very Words of the Holy Scriptures*.

The first of these is an account of God's dealings with man through all the ages as seen through the eyes of the very reverend author of the tract. It is important because it constitutes a landmark in the critical writing of history. It was one of the first attempts in Europe to state the meaning of history in universal terms and to draw broad philosophical conclusions from a comparative study of the history of nations. The *Politics* purported to be a code of rights and duties drawn up in the light of the conclusions reached in the *Discourse*. Making large use of Scriptural quotations to buttress his conclusions, Bossuet laid down a body of universal principles to govern the conduct of the God-appointed ruler. Had these principles rested upon any sanction other than that of the Bible itself, they might have cost the learned bishop the favor of the Grand Monarque, for they severely condemned practices that were in common vogue at the French Court. Bossuet did not for a moment question the divine right of kings; he was fulsome in his praise and defense of that great principle; but he held that even the authority of kings must yield to the rational precepts of God. Indeed the primary object of Bossuet's writings seems to have been to prove the rational basis of all authority. Philosophy, he argued, demonstrates the existence of God and the fact that He directs the course of human events. History in turn demonstrates that God governs human affairs not so much by direct intervention as by civil and ecclesiastical institutions which He has ordained and which, therefore, must be obeyed as the earthly representatives of the Almighty. The most ancient and most natural form of government, and hence the one most approved of God, was in his opinion that of kings. This conclusion he bolstered with a most impressive array of Scriptural citations, showing that the authority of kings was of a paternal character—sacred and absolute, but withal subject to the canons of right reason. Though the king was in reason bound to obey the laws, Bossuet held that he could not be coerced for failing to do so. There was no right of resistance or rebellion. The only recourse

of the people, when an incumbent of the divine office abused his powers, was to protest and pray, leaving the rest to God.

IV

By the time Bossuet wrote his ringing paragraphs the theory of divine right was already on its way to the limbo of discredited doctrines. Its work was done. Intellectually it was still as valid as any theory of the opposition, but intellectual validity could not save it. What if there was better historical evidence, sounder philosophical groundwork, and clearer Scriptural sanction for the theory of government founded upon divine approbation than for the theory of government based upon an elusive social compact? The divine theory had outlived its social usefulness, and had to go. The social compact theory still had its great work to do, and was therefore bound to prevail.

Of the genuine utility of the divine theory, however, and of its tremendous influence upon the development of national politics and political ideas, there can be no doubt. Western society, emerging from the chaos of the Middle Ages into the more violent chaos of the Protestant upheaval, had desperate need of a principle that would furnish not so much a rational as a workable basis for law, order, justice, and obedience. And the empirical nationalism of the fourteenth and fifteenth centuries had need also, tremendous need, of a principle that would materialize that unique and mysterious unity of life-processes which bind a people to

*One flag, one land, one heart, one hand,
One Nation evermore!*

The divine-right theory met these needs and thus became an indispensable pier for the bridge between mediæval and modern times. Without it the Reformation must have plunged Europe into interminable disorder for want of a means of checking the anti-nomian consequences of the breakdown of both imperial and papal authority. Without it feudalism might have prolonged its grip upon western society (as indeed it did in countries like Germany and Italy where consolidation of authority was slow to arrive), thus long delaying the social and political integration necessary for the realization of constitutional government and democracy. Without it nationalism must have spent itself in tumultuous but vain en-

deavors to weld kindred lands and peoples into potent corporalities capable of surviving the shock of the impending struggle for the rights of man and of providing a theater in which that titanic drama might be fully enacted. Without it ecclesiasticism might have continued its deadening sway over the communal processes of western peoples, thus strangling that free development of societies which has done so much to liberate the human mind and spirit and promote the progress of the arts and sciences.

For these excellent services we are greatly indebted to the divine-right theory. But not all its services were good. There came a time when it impeded the advancement of society towards the goal of general well-being, when it furthered tyranny and oppression. There came a time also when national security was so well established and national unity was so fully accomplished that national consciousness had opportunity to become aware of the discrepancies between monarchical theory and practice, and when the forces stirring the common man to a sharper consciousness of his political and economic power were such that the voice of the people could not be silenced. Then the divine-right doctrine had to go. But it did not go without a struggle—a bitter and bloody one in most countries—nor without bequeathing to posterity certain patterns of thought which were heavily freighted with destiny.

We no longer believe in the divine right of kings, but millions of loyal citizens and true the world over agree with the dictum of Disraeli that “the divine right of government is the keystone of human progress” and concur in the conclusion of the United Lutheran Church that “The State is a divine institution . . .” *Christo et Patriae* proclaims the motto of a well-known American institution of higher learning—“For Christ and Country.” The state, be it noted, is not only placed in apposition to the Savior of Man but takes the climactic position in the phrase. This is typical not alone of American thought but of national thought and feeling universally. One is not even qualified to become a citizen of the United States in the judgment of the Supreme Court unless he will place loyalty to the state above loyalty to Christ, a decision which was applauded by multitudes of good Americans.

Yes, the doctrine of divine right of kings is dead, but it prevailed long enough to implant in men’s minds a belief in the sacredness of supreme political authority, and that idea goes marching on, more

powerful than ever before because it has received the blessing of democracy. No longer do we believe in the divinity that doth hedge a king, but of the divinity that doth reside in the sovereign people the average man has not the faintest doubt.

Nor have we wholly abandoned the ancient superstition that God specially intervenes in the affairs of men to set up systems of government to His peculiar liking. Every year on the seventeenth of September the American people are regaled with scores of impassioned speeches reminding them that the God-ordained Constitution of the United States issued from the hands of its framers on that day, 1787. For the celebration of Constitution Week in 1923 the American Bar Association published a pamphlet in which it undertook to point out the precise moment at which God intervened in the proceedings of the Constitutional Convention of 1787. After describing the difficulties of the Convention the pamphlet reproduces Franklin's curious motion that the clergy of the city be invited to offer prayers in the Convention every morning "imploping the assistance of Heaven and its blessing on our deliberations." "And from this time on," says the Bar Association pamphlet, "the Convention began to make progress in the framing of that document which Gladstone declared to be 'the greatest piece of work ever struck off at a given time by the brain and purpose of man.' " It would be a shame to spoil such a pious fable, but the serious student of history may be interested to know that *Madison's Debates*, pp. 259-260, tell a somewhat different story. Franklin's resolution was presented on June 28, 1787, but was never brought to a vote. In the brief debate on the resolution Hamilton and several others expressed doubts as to the wisdom of such a resolution, saying it would lead the public to think the internal difficulties of the Convention to be greater than they actually were; and Mr. Williamson made the caustic remark that true reason for the failure to have the clergy pray for the Convention was that there were no funds to pay the fees which they would expect and demand. Randolph then made a substitute motion that a sermon be preached on the Fourth of July and thenceforward that daily prayers be said. This was seconded by Franklin, and after a number of desultory remarks the Convention adjourned for the day without taking a vote on the question. It was never brought up again.

We think it absurd that men of the fifteenth and sixteenth cen-

turies should have believed so implicitly in the divine right of kings as to be willing to bleed and die for "God and King Charles"; but how much less absurd are we of the twentieth century who believe so devoutly in the divine right of government that we drape the flag upon the altar and go forth to war in full confidence that God will preserve and prosper the precious government which He has instituted among us? Henry Adams once remarked that the first law of politics is paradox, and that perhaps is enough to say about men's ideas of God's relation to political institutions.

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CHAPTER XIII
THE RIGHTS OF MAN

I

OBEDIENCE," Napoleon Bonaparte is quoted as having said on one occasion, "is man's destiny; he deserves nothing better, and he has no rights."¹ In uttering this brutal aphorism the glorifier of big battalions was saying nothing new; save for a few humanists and a varied assortment of wild-eyed radicals the great political thinkers of the past had spoken their disbelief in the rights of man in terms no less positive than the Corsican. The ancient mind, and likewise the mediaeval mind, simply could not grasp the idea of individual rights. The individual in the Greek world existed primarily as an ingredient of his family and his city; in the Roman world the individual, as Cicero was wont to put it, existed primarily for the advantage and use of the state; in the mediaeval world the individual was first of all a communicant of the church and a link in the chain of feudal relationships. Individual rights, in so far as they were recognized at all, were dependent almost entirely upon the societal status of the person claiming them; as a mere human being he had no rights whatever.

It was the peculiar destiny of the seventeenth and eighteenth centuries to let loose upon the world a swarm of explosive ideas that would exalt the rights and liberties of man above all other considerations, and would accord to the individual a status of immunity from the impositions of political authority and a rightful function of participation in the process of government. The time would come when crimes done in the name of liberty would justly summon forth the avenging knife of a Charlotte Corday, when nations would be convulsed by the insane fury of revolution, when the little finger of a demagogue would be thicker than the thigh of a king, and when despairing peoples would finally turn to dictatorship to save them from the excesses of democracy and liberty. But the time would also come when free peoples, saturated with the doctrines of democratic political philosophies, would learn in a measure the difficult art of self-government, and would provide

¹ E. Ludwig, *Napoleon* (1926), p. 168.

for the welfare of the common man more generously and more solicitously than government ever before was known to do. But all this was in the womb of the future. At the outset no man could measure the potentiality of the ideas upon which the rights of man were predicated or could possibly foresee their Protean influence on the destiny of the human race.

The seeds of the radical political philosophies which germinated in the seventeenth and eighteenth centuries were committed to the soil some decades before they actually took root. There could be no experimentation with democratic theories while nations were in the throes of birth, no dallying with abstractions in the midst of the earth-rocking struggle between Catholicism and Protestantism. What counted then was power—power to establish independence and hurl back invasions, power to maintain order and exact obedience, power to regiment the body politic and consolidate the patriotic impulses of the citizenry. Monarchical institutions, theoretically founded upon divine right, satisfied these requirements better than any other, and inexorably prevailed. But not without question and dissent. Calvin had advised his followers to yield implicit obedience to civil rulers up to the point where their commands ran against God, at which point the duty of obedience ceased and the right of resistance began. John Knox, even more explicitly than Calvin, had denied the right of kings to command impiety, and had even declared that kings had no right to rule unjustly, saying that it was the duty of Christians to resist such monarchs. George Buchanan, drawing his inspiration from Knox, had reasoned that tyrants may be opposed and even put to death for violation of their covenant with the people to rule justly and according to law. The unknown author of *The Defence of Liberty Against Tyrants* had also insisted upon the contractual basis of monarchical authority, as had Althusius and several others. The Spaniard, de Mariana, had evolved government from a prepolitical state of nature, opining that restraints upon kingly powers and prerogatives are an invariable consequence of the natural process of political evolution.

None of these anti-monarchical doctrines could achieve great practical force, however, until after national security and stability had become so firmly grounded that regal authority could be challenged without danger to national independence. The England of

Charles I and the France of Louis XVI were so thoroughly nationalized that revolutionary upheaval could not dissolve the bonds of nationhood or permanently impair their independence. Domestic issues in these states could be fought to ultimate conclusions, and radical theories tried out to the fullest extent. So it was that these two countries became the stages upon which were enacted the dramatic and bloody struggles in which political theories proclaiming the sacredness of constituted authority went down before theories exalting the rights of man. First in England and then in France monarchical authority overreached itself and stirred up a hornet's nest of radical opposition which was destined to effect its ruin.

Anti-monarchical radicalism developed along several lines. In England the gradual perfection of the Common Law and the concomitant rise of the concept of the supremacy of law resulted in a slowly-dawning conviction that the king like other persons should be subject to the reign of law. Both in Parliament and in the country at large the judges found ever-increasing support for their demands of freedom from royal interference in the interpretation and administration of the law, and intransigent jurists like Sir Edward Coke attained vast popularity by their stand for judicial independence. Coke not only defied his royal master, who theoretically was the source and fountain of all justice, but, upon being removed from office, secured an election to Parliament, where he took a leading part in formulating the famous Petition of Right of 1628, one of the great landmarks of English constitutional development. He, with Pym, Hampden, Eliot, and other parliamentary leaders, was largely instrumental in spreading the idea that every English citizen possessed certain fundamental legal rights which should not be arbitrarily curtailed.

A second line of radical thought emerged from the religio-political controversies following in the train of the Protestant Reform. Religious dissent almost invariably begat political dissent, for authority wielded in behalf of one religious body inevitably drove all other religious factions into opposition and resistance. Protestants became rebels in Catholic countries, Catholics in Protestant countries. Protestant sects not only quarrelled among themselves but engaged in political duels of the grimmest sort. When royal authority was used in England and Scotland to force the general

acceptance of the episcopal system of the Established Church, Presbyterians and Independents became bitter opponents of both Crown and Church; and when, under the Parliamentary régime, Presbyterianism rode in the saddle, Established Church men, Catholics, and Separatists became defiers of authority. Thus was political radicalism assimilated to holy causes and the idea of individual rights in the political sense associated with the idea of individual conscience before God.

A third stream of radical thought there was, too, and one which proceeded from minds almost wholly philosophical. Men of the stamp of James Harrington, Benedict Spinoza, and Samuel Pufendorf held aloof from the arena of political and religious controversy, and worked out their doctrines by processes essentially rationalistic. After centuries of slumber the scientific spirit was being reawakened; men who prized intellectual honesty could not prostitute their minds to political partisanship. That such men more often than not arrived at conclusions incompatible with absolutism may suggest perhaps that no mind can be wholly indifferent to its surroundings or wholly uninfluenced by its sympathies; but it also indicates, and most significantly, that intellectual leaders were seeking to explain and justify political authority on other grounds than material necessity and religious sanction; were, indeed, groping for criteria which would measure the rights of political authority by its service to mankind.

II

To find a rational basis for the notion of individual rights, men have turned to four principal doctrines: the doctrine of social contract, the doctrine of natural rights, the doctrine of popular sovereignty, and the doctrine of revolution. Ideas more freighted with seismic potencies never found shelter in the human skull. They have shaken ancient and venerable political systems to ruin, and have raised a perpetual challenge to authority. Arbitrary political power still exists in the world, but its theoretical bases, save in pre-war Japan and other feudal states, bear striking evidence of the pervasive influence of the idea of individual rights. Political authority, in twentieth century dictatorships, may be exercised in simple terms of command and obedience, but it is claimed on no such terms. It is not all gesture when a Stalin hands down a con-

stitution containing a lengthy bill of rights, or when a Hitler appeals to the electorate in a predetermined referendum. Modern dictators make no concessions to the *rights* of man, but all proclaim themselves steadfast spokesmen and servants of the masses. Ruthless though they be in trampling human rights, they do it nevertheless in the name of the people as a whole, whose voice and will they profess to utter.

This is a very different sort of absolutism from that of the olden day when the pious churchmen of England unctuously sang:

*The rich man in his castle,
The poor man at his gate,
God made them, high or lowly
And ordered their estate.*

The High and the Lowly, in the political as well as the economic sense, are with us still, but not as in a God-ordained estate. The High, in government, have acquired a keen awareness of the Lowly and a deep respect for their political might. For, if the revolutionary frenzies of the eighteenth and nineteenth centuries proved nothing else, they did conclusively demonstrate the ultimate frailty of all political systems that ignore the common man and his beliefs as to his own rights. And the common man, all over the world, in proportion as he has assimilated the volcanic ideas of social contract, natural rights, popular sovereignty, and revolution, has demanded and received a larger and more decisive rôle in the affairs of state.

Yet none of these earth-shaking doctrines was ever anything more than a theory, insubstantial and fine-spun at the best. Not one of them could be scientifically demonstrated to be true; not one was dialectically invulnerable. They were believed not because men knew them to be true, but because they represented what men wanted to believe, indeed had to believe, in order to find grounds for rejecting the ancient verities and destroying the social and political systems which rested on them. They were doctrines of faith rather than fact, and their power was perhaps the greater because of their appeal to the heart as well as the head.

Great grandfather of all doctrines of human rights is the theory of social contract. Whose was the first mind in which this hoary idea took form can never be known. It seems to be almost as ancient as the race and to antedate all systematic political philosophies.

Dr. E. D. Thomas has found traces of it in the writings of several of the ancient sages of China, and it is also shadowed forth in the speculations of a number of the oldtime pundits of the Hindus. In European thought it first appeared among the Greek Sophists, but did not attain controversial importance until after students of the Roman and the English law had thoroughly worked out the legal concepts underlying the idea of contract. Political thinkers then could not fail to perceive the applicability of the principle of contract to the relation of ruler and subject and to evolve theories of political origins which might furnish a rational foundation for such a hypothesis.

The first postulate of the social contract theory was that there existed, at some unremembered time in the past, a prepolitical state of nature in which men lived without government and every man did that which was right in his own eyes. As to the precise character of human relations in this state of nature there were sharp differences of opinion. Some theorists painted a lovely picture of presocial man living in an idyllic, Eden-like condition; others conceived of the state of nature as a condition of brutish anarchy in which every man's hand was against his fellows and the only law was the law of fist and fang; still others saw it as a state of primitive simplicity in which men had little need of government because they had no community concerns which required regulative authority. But all agreed upon one point: that man in the state of nature was free, utterly and absolutely free, and, so far as his own might and cleverness could avail, subject to no will but his own.

The second postulate of the social contract theory was that at some unspecified point in their development men abandoned the state of nature, surrendered their freedom, and by contract or compact set up governments to wield authority over them. As to the causes of this departure from nature and the elements of the social contract which superseded nature's law, the learned professors were hopelessly at variance. Theorists who viewed the state of nature as a condition of Arcadian bliss reasoned that the growth of complex social conditions, such as might be incident to the multiplication of population, the rise of private property, and the development of trade and commerce, caused men to institute government in order to preserve and maintain the beneficent advantages enjoyed in the state of nature. Those who viewed the state of nature as one of de-

pravity and violence argued that men were forced to establish government in order to attain security, establish law and order, and safeguard their liberties and property. Those who conceived the state of nature as one of troglodytic unsophistication thought that it was simply and naturally abandoned when men advanced in culture to the point where they were able to perceive the advantages of social life and organization. One guess was as good as another, and the embattled savants who banked on the social contract doctrine to prove a case did not fail to do their guessing according to the case they set out to prove.

Similar fabrication of premises to fit conclusions already reached was to be observed in the divinations of social contract theorists respecting the intrinsic character of the social contract. One school of dogmatists was perfectly sure that it was a contract by and between their rulers whereby the people's obligation to obey ceased when the ruler failed in the performance of his contractual obligations; another was equally positive that it was a contract between the people only whereby they mutually agreed to a certain régime of government, and that the ruler, being the subject of the contract but not a party to it, could not possibly vitiate it; that could only be done through the agency of the parties themselves. Here again one guess was as good as another, and most of the guessing was shaded by the partisanship of the guesser.

It is easy to ridicule the social contract theory. As a scientific explanation of the origin and nature of political institutions it approaches absurdity. No such state of nature as that imagined by theorists of the idyllic school ever could have existed, and no such state of nature as that imagined by the violent anarchy school or by the primitive simplicity school could have existed under circumstances that would have made possible the formulation of a definite and comprehensive political compact. History does not record a single authenticated instance of state-making by contract among men emerging from a prepolitical state of nature, and modern anthropological research adds proof that such a phenomenon is scarcely within the realm of possibility. Not only has no social contract of an express character ever been turned up by the labors of scientific investigators, but likewise few conditions from which the formation of an implied contract could be reasonably inferred. So far as we know anything at all about the nature of ante-social man (if there

ever was such a being), we know nothing to warrant the inference that he possessed the intellectual wherewithal to make a definite contract of any sort, much less one of such scope and complexity as a political compact must be. The idea of contract is itself a social product, and could not have developed until long after men had builded societies and forged political mechanisms for their regulation.

Let not, however, the evidential shortcomings of the social contract doctrine blind us to its tremendous importance. Those shortcomings were not apparent to the men of the seventeenth and eighteenth centuries, nor are they fully apparent to the average man of our own day. More exactly than any other theory ever advanced it expressed what the average man is likely to think logically should have happened in the formation of the state, and therefore what he is prone to believe did happen. The doctrine was plausible, and men wanted mightily to believe it. The virtual breakdown of political society following the collapse of the Roman Empire in the West and the subsequent emergence of a number of national political entities in which the feudal element of affiance played a large part gave plausibility to the view that the state was a conscious creation of human intelligence and will. Added to that element of plausibility was the discovery and exploration of the American continents, which had brought Europeans for the first time into contact with primitive peoples and had supplied much data (not always correctly understood or interpreted) to confirm the belief in an original non-political state of nature. Thus the social contract doctrine came to be accepted as a great and significant truth which must be followed not only in wrecking the old order of political society, but, most important of all, in building the new.

A logical corollary of the theory of social contract is the doctrine of natural rights. Once it be conceded that men were born free and lived anciently in a non-social state, it follows as an easy deduction that they came into the world with certain natural rights. They were born, and therefore had a right to be; they were born unconstrained, and therefore had a right to liberty; they were born naked and stationless, and therefore were by nature equal; they were born with certain instincts and needs, and therefore had a right to the pursuit of happiness for the satisfaction of these inborn urges. Imbued with such ideas, it was easy to dogmatize. Manifestly men

had such rights, could not justly, unless they gave consent, be deprived of them; they were inherent—inalienable—sacred. The individual and his rights loomed above all other considerations; society and its concerns were secondary. Government must be regarded as a necessary evil, to be endured because it had to be, but never to be allowed to encroach upon individual rights one inch beyond the minimal necessities of law and order. For unwarranted invasion of individual rights kings might be deposed, high magistrates removed, official authority ignored, and duly enacted laws set aside.

There are, of course, no such things as inherent and inalienable rights. They are purely a figment of the imagination, wish-fulfillment in political thinking. Universally recognized and respected rights could not possibly exist in a state of nature where every man was bound to do only that which was right in his own eyes. When men talk of rights which other men must concede, they are talking of something that calls for universal rules and means whereby they may be enforced. The notion that one person of his own natural right may lay indefeasible inhibitions upon the behavior of all other individuals will not bear close inspection; the measure of individual right in a state of anarchy can be none other than individual might, cunning, or self-denial. Only by collective action can men lay down universal rules of conduct and give them body and viability; the attempt to trace human rights to any other source is sheer fantasy.

Nevertheless it is not the rights we have, but those we think we have, that actuate our political behavior, and for that reason the general acceptance of the doctrine of natural rights is one of the most momentous occurrences in history. It wholly reversed the Greek and Roman postulate that the supreme expression of human intelligence, the finest product of human endeavor, is to be found in the state, and launched the western world upon an era in which individualism would be magnified at the expense of collectivism. The functions of the state would be cut to an irreducible minimum, and salvos of applause would greet the electrifying heresy of Thomas Paine: "Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise." The worship of liberty would almost supplant the worship of God, and millions would voice approval when Theophilus Parsons should say, "Political liberty is by some defined, a liberty of doing

whatever is not prohibited by law. The definition is erroneous. A tyrant may govern by laws . . . political liberty is the right every man in the State has, to do whatever is not prohibited by laws, TO WHICH HE HAS GIVEN HIS CONSENT." Carried over into the sphere of economic thought, the cult of liberty would bring forth the mighty doctrine of *laissez faire* and lay the theoretical groundwork for economic philosophies of free enterprise and for the capitalistic institutions of the machine age. But for the general acceptance of the doctrine of natural rights and its concomitant doctrine of personal liberty, Adam Smith would have been a prophet crying in the wilderness and the school of economic thought which derives from him would have perished at birth. The capitalistic society of the nineteenth century could not have taken form, and the bulwarks which have been built against socialism never could have touched bed rock. Nor, of course, would it have been possible for the inordinate excesses of individual liberty to have caused that profound reaction which seems to be sweeping the world again towards collectivism.

Popular sovereignty is a doctrine that goes inevitably with the theories of social contract and natural rights. When Thomas Jefferson wrote in the Declaration of Independence that all governments derive "their just powers from the consent of the governed" and Abraham Lincoln in the Gettysburg Address spoke of "this government of the people, by the people, and for the people," they were merely giving utterance to what seemed to them to be self-evident truths. Accepting as they did the doctrines of social contract and natural rights, they could scarcely escape the conclusion that sovereignty lies with the people and vests in them the supreme power of political decision and action.

From this hypothesis prodigious consequences have flowed. In pursuance of the theory of popular sovereignty the structures and processes of government have been radically transformed. Widespread has been the effort to subject public officials to an increasing degree of popular control. Universal suffrage, direct election of public functionaries, the definite limitation of official tenures, the direct primary, the initiative, the referendum, the recall, and numerous other democratic mechanisms have as their primary object the realization of popular sovereignty. The voice of the people has indeed become the voice of supreme authority—unquestionable,

infallible. Legislators in democratic countries are increasingly expected to function merely as phonograph discs to record and reproduce the voice of the people; executives to be glorified bellhops to do their bidding, and judges to conduct bloody assizes whenever the mob howls for the sacrifice of a detested scapegoat. Popular sovereignty, in so far as it is attainable by mechanical means, is now a fact. Daily the voice of the people rolls out its divagations to the rulers of the world, a confusion of tongues that defies interpretation and confounds statesmanship. Popular sovereignty has resulted not in the solution but in the creation of problems, more baffling problems than the world has ever known before.

The fourth member of the titanic quartet of doctrines which wrought the triumph of democracy has suffered of late a vast decline of popularity. When popular government was yet a dream and the rights of man an insubstantial hope, no dogma was more zealously espoused or more righteously upheld than the sacred right of revolution. It was a logical and necessary deduction from the other three. If government originated in voluntary contract, if men were possessed of inherent and inalienable rights, if the people were sovereign and supreme, what conclusion could be more rational than that the people, in the event they should become convinced that their government was destructive of their rights and liberties, should have a right (to quote the Declaration of Independence) "to alter or to abolish it, and to institute a new government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness" ?

That was good American political doctrine until it was taken literally by eleven states which wished peaceably to secede from the Union and set up a government seeming to them "most likely to effect their safety and happiness." But since the Civil War it has been taboo, and since radical socialists have begun to advocate revolution as an appropriate mode of overthrowing capitalistic society and inaugurating the collectivist millenium, it has been outlawed by statute. A special fury is visited upon all who dare to advocate openly the overthrow of government by force or violence. Yet one must insist that it is logically unassailable, and that its fellow doctrines lose all practical meaning if it be abandoned. Thomas Jefferson was under no misapprehensions on that point and

emphatically said in the famous letter to William S. Smith, "God forbid that we should ever be 20 years without such a rebellion. The people cannot be all, and always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions it is lethargy, the forerunner of death to the public liberty. . . . What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure." How can social contracts be dissolved and remade, how can men secure their natural rights, how can the will of the people overcome intrenched opposition, if there is no right of revolution?

Such in brief review are the political ideas which have so largely made the political societies of the contemporary world. Many other ideas, many sounder and more scientific ones, have appeared in later years, but few of equal fecundity and power. We shall understand these things better after a review of the times and the men that produced them.

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CHAPTER XIV
FOR GOD AND KING CHARLES

I

STRANGE to modern ears are the uproars of receding ages, and peculiarly strange those seventeenth-century outbursts of sedition and civil war which marked the complacent and phlegmatic people of England with the stigma of revolutionary radicalism. Not England, but Russia, is for our day the malevolent author of dangerous doctrines, just as was France for our forebears of the nineteenth century. But nothing can deprive the historic land of the Tory and the Dole of her rightful preëminence. She was the first, and in some respects the most shocking, of madcap nations. The year 1689 marks the end of a forty-seven-year phase in English history which parallels in many striking respects the revolutionary experiences of France in the eighteenth and nineteenth centuries and of Russia in the twentieth. And certainly the social changes wrought and the political doctrines put into currency by the English Revolution were as far-reaching in their consequences as their counterparts of later upheavals.

Historians tell us that England was bent for revolution from the moment the bungling son of Mary Stuart ascended the throne in 1603. This pedantic bigot certainly did nothing to allay the disaffection which had slowly gathered force during the final phases of the Tudor pageant, and he bequeathed to his son, Charles I, a heritage of trouble that would have appalled a man of genius. But Charles was not appalled. His was one of those narrowly logical natures which make a virtue of consistency in all circumstances. Pious, sincere, and of good intention, he *knew* he was right and that all opposition was the work of rascals. Of the arts of accommodation he understood little and cared less. The breach between the Puritan and conservative wings of the English Church, which had been opened by the maladroitness of his father, he not only failed to heal but enormously widened; the Catholic question, which James had handled with little skill, Charles mismanaged altogether; the foreign policies of the father had embroiled the country in unpopular and costly wars, and those of the son gave added cause for

disaffection; the finances of the country, which James had left in bad condition, his heir administered with a prodigal indifference to economy of outlay or equity of taxation; the corruption of justice to which James had resorted to accomplish his ends Charles carried to the point of outrageous tyranny; the bitter quarrel with Parliament in which the first Stuart had become most unwisely involved the second attempted to terminate by the assumption of despotic prerogatives.

When, therefore, in August, 1642, the king made answer to an accusatory resolution of the House of Commons by raising the royal standard at Nottingham in defiance of all opposition, he precipitated not merely a civil war but a social convulsion of first magnitude. Arrayed against the king were forces that would not shrink from the destruction of the old order if need be to win. The righteous fanaticism of the Puritan divines and their hosts of followers knew no bounds; and the country squires, Parliamentary politicians, lawyers, and intellectual radicals who were likewise mainly opposed to the king were scarcely less determined and desperate. But the royal cause was not without defenders. Charles might be a sorry excuse for a ruler, but the Crown was an institution that meant much to great numbers of Englishmen. The Church was a national institution, beloved not alone by the placemen who constituted its clergy but by multitudes of loyal laymen. The peerage and most of its beneficiaries were necessarily bound up with the Crown, as also were the great mercantile interests of the land, always cautious and conservative. These great vested interests knew what they had to fear from an attack upon Crown and Church.

In these embattled forces lay the making of a tremendous landslide in the political and social structure of English society. For forty-seven years the struggle went grimly on. Neither side was able to gain a decisive advantage until Cromwell emerged to give drive and discipline to the Parliamentary party, whereupon events began to move with dizzy pace. The fall of the monarchy, the beheading of the king, the establishment of the Commonwealth, the ten-year dictatorship of the dour Oliver, the restoration of Charles II, the quarter-century of profligate reaction under this frivolous genius, the accession of James II, the second popular upheaval, and the final founding of the constitutional monarchy under the House of Orange constitute the dramatic high lights of the story.

But there were deeper effects. "The economic life of the nation . . . suffered seriously as a result of the Civil War. Thousands of individuals had been ruined; public works had been abandoned, in cases destroyed altogether. . . . Thousands of acres had been thrown out of cultivation. Little respect was shown to the civil law; crime and violence had increased steadily; murder, arson, and highway robbery were common events of daily life. These were only symptoms of a deeper malady, the general decay of civilization."¹

The intellectual life of the country was correspondingly disturbed, for the contest was not merely a trial of arms but a war of ideas. The rôle of the printing press was as significant as that of the sword, and books won as many victories as bullets. In the radical doctrines outlined in the preceding chapter the anti-monarchists found munitions appropriate for their assaults upon the ancient verities, and these became the subject-matter of a deluge of partisan books and pamphlets. Defenders of the royal cause returned the fire with an equal quantity of polemic literature in which the monarchy, the established church, and the privileged classes were held to be the very groundwork of order, justice, religion, and civilization. Not much of this ferocious inksgiving rose above the level of brawling partisanship, though each side produced a few writers who made great and lasting contributions to political thought. On the Parliamentary side John Milton and John Locke particularly deserve to be remembered for the depth and nobility of their thinking as well as for the great influence they exerted; while of those who declared for "God and King Charles" none can compare with Thomas Hobbes.

II

The life of Thomas Hobbes almost completely spanned the English revolutionary period. Born in 1588, he was fifteen years old when James I mounted the English throne, and when he died in 1679, in his ninety-second year, the Restoration was on the wane and the country was beginning to gird itself for the last phase of the struggle. And he not only lived his four-score and twelve years, but lived much of the time in the shadow of great events and in the presence of great figures. Few men have enjoyed longer or more eventful lives, and perhaps none so exceptional in qualities of body and mind as Thomas Hobbes.

¹ B. Terry, *The History of England* (1903), p. 365.

We often hear of child prodigies and sometimes of nonagenarian prodigies. Thomas Hobbes was both. At the age of fourteen he achieved distinction by translating the *Medea* of Euripides from Greek into Latin verse; at the age of eighty-eight he astonished the literary world with a polished translation of Homer into rhymed iambic verse in English; and, when death claimed him in the midst of his ninety-second year, he was still in full possession of his literary powers and busily engaged in turning out manuscript for his publisher. No less remarkable was the physical vitality of the man. Despite a life of indulgence (he was wont to boast that he had been drunk a hundred times and did not blush to acknowledge an illegitimate daughter), he played tennis regularly until well past the age of seventy and seemingly never experienced the decline of physical powers which normally accompanies senility.

Hobbes was the son of an irascible English vicar whose stormy career forced him to place his children in the care of an elder brother a prosperous glove-maker at Malmsbury. Here Thomas was placed in school and seems to have had a succession of excellent masters. At the age of fifteen, having already distinguished himself by his translation of Euripides, he was entered in Magdalen College, Oxford, then under Puritan domination. Hobbes apparently recoiled from Puritan discipline and learning. At any rate he acquired the reputation of being an indifferent scholar and took five years to graduate instead of the customary four. It is said that he would follow none but his own methods and scorned the opinions of his tutors.

In 1608, twenty years of age and just graduated from Oxford, Hobbes became a tutor in the family of William Cavendish, Baron Hardwick and later Earl of Devonshire. This attachment to the Cavendish family continued for many years and was one of the great formative influences of his life. In 1610 it became his duty to accompany the son and heir of the family on a grand tour of the European continent. During the year of travel which followed Hobbes learned French and Italian and came into contact with a number of leading continental scholars. This led to the discovery that the philosophy he had been taught at Oxford was considerably out of date and inspired him to seek to remedy his deficiencies by an intensive course of study to which he applied himself for many years. His connection with the Cavendishes brought him into con-

tact with Bacon, Ben Jonson, and other English intellectuals and thus supplied further incentive to intellectual endeavor. It was not until 1628, however, when he was forty years of age, that he ventured to produce anything for publication. This was a translation of Thucydides, and was very well received. In 1631 he went abroad a second time as tutor-companion, his protégé being the son of the young Cavendish with whom he had toured in 1610. This turned out to be a very long tour, and Hobbes was abroad much of the time during the next six years, thus having opportunity to renew old contacts with continental scholars and make new ones, notably with Galileo and Mersenne.

When Hobbes returned to England in 1637, the country was on the verge of civil war. Hobbes was now forty-nine years of age, and a royalist by association if not conviction. He wrote a few mild pamphlets in support of the royal prerogative and soon found himself, as he believed, in imminent peril. The Long Parliament in November, 1640, demonstrated its ascendancy by sending Laud and Stafford to the Tower, and Hobbes, visioning a like fate for himself, stood not upon the order of his going. Paris offered safety; and he got there as fast as he could.

The fears which sent the timorous Mr. Hobbes posting off to Paris appear to have been largely imaginary. He was not the marked man he supposed himself to be; but, not being one to take risks, he chose to spend the next eleven years as a royalist emigré in France and Holland. Here he lived a more or less irregular life as the guest of friends among his compatriots and scholarly associates. For two years or more he was mathematical tutor to the exiled prince of Wales, who was later to take the Crown as Charles II. Previous sojourns abroad had served to arouse Hobbes' interest in mathematics and the physical sciences, and he had conceived a plan for a monumental opus in which he would treat natural phenomena in terms of motion. The project involved the writing of three books, one dealing with physical bodies as universally explicable as motion or mechanical action, one with the human species as a particular study in bodily motions as manifested in the characteristic phenomena of individual being, and a third and crowning treatise on the state as a regulative mechanism for the intelligent and beneficent direction and control of human life. This unique and daring scheme of treating physical, anthropological, and sociological phe-

nomena as one coherent whole Hobbes no doubt would have executed according to his original plan had it not been for the civil war and the circumstances of his exile. The latter brought renewed contacts with the scientific circles of the continent and deflected his thought to independent studies in mathematics and physics, while the former heightened his interest in political theory and inspired him to reverse his plan of approach and begin at once a treatise on the state.

Of Hobbes' writings outside the field of politics this sketch will not take note, save to say that he produced between 1640 and 1678—that is, between his 52nd and 91st years—a series of essays on mathematical and physical subjects which stamp him as one of the notable scientific inquirers of his age. Even greater is the recognition which must be accorded to his influence as a political thinker. In 1642 appeared his first major work on politics, a small treatise in Latin entitled *De Cive*. Intended only for scholars, this work was privately printed, and circulated in a very limited way. But it was so enthusiastically praised by the intellectuals who read it that Hobbes felt assured of the intrinsic soundness of his grand project and deferred further publication of the treatise on politics until he should have time to complete the other two members of the proposed trilogy. This opportunity was long postponed. In 1642 what had been civil discord in England flamed up into revolution, and by 1644 the royal cause had suffered reverses which prompted thousands of the king's followers to flee the country. Association with these newer refugees turned Hobbes' mind again to politics, and it was not long before he "conceived his new design of bringing all his powers of thought and expression to bear upon the production of an English book that should set forth his whole theory of civil government in relation to the political crisis resulting from the war."¹ The *De Cive*, though it contained the core of Hobbes' political thought, was a highly recondite work in Latin, not as yet in general circulation even among scholars. What Hobbes now proposed to do was to amplify and popularize this work so as to give it point with reference to the English civil war. He did far more. When the new work, entitled *Leviathan*, appeared in 1651, it did not take long for the world to discover that an enduring masterpiece of political thought had been wrought.

¹ "Thomas Hobbes," *Encyclopaedia Britannica* (11th ed.), Vol. xiii, p. 547.

The *Leviathan* at once became a storm center, and Hobbes' fame mounted to great heights. Blinded by the resentment which the secular tone of the book had aroused among the Anglican clergy, Hobbes' royalist friends turned against him, and the French court took deep offense at his severe strictures on the Roman Church. His fellow emigrés now shunned him, and there were whispers of an attack upon his life. Never a person to brave physical dangers, Hobbes once more sought safety in flight. Quickly making his way back to London, he threw himself on the mercy of the Parliamentary régime, and Cromwell, who was already too much a dictator to be displeased by Hobbes' absolutist doctrines, quietly allowed him to take up residence in England.

Hobbes now sought retirement and peace to devote himself to scientific and philosophical studies, but he was too famous a personage to be allowed to disappear from public view. He was able to complete and publish, in 1654, the long-deferred first volume of the projected trilogy, which was issued under the title *De Corpore*. More and more, however, the true significance of the *Leviathan* was penetrating the Puritan mind, and this was furthered by the publication in 1654 of a paper which Hobbes had drafted back in 1646 in answer to a discourse by Bishop Bramhall on "Liberty and Necessity." The paper had been intended for private circulation only, but a copy had been stolen from one of Hobbes' acquaintances and published without the knowledge or consent of its author. Bramhall, supposing that Hobbes had authorized the publication, promptly took up the cudgels against him and promised to expose him in his true character. This was the beginning of a long series of critical controversies in which Hobbes was attacked by many of the leading scholars of the time, not alone by reason of his political doctrines but also on account of the heretical character of his general scientific and philosophical beliefs. In 1658 he managed to bring out the *De Homine*, the third member of his trilogy, and this along with the *De Corpore* was denounced just as unmercifully as his political writings. Although these broadsides enhanced rather than impaired Hobbes' fame as a pundit, he acquired incidentally the reputation of being an atheist, and this rallied the protagonists of all the warring faiths of the time against him.

Had the Puritan régime continued, Hobbes undoubtedly would have suffered proscription; but by 1658 the tide of reaction had defi-

nately set in, and in 1660 came the Restoration bringing to the throne his quondam pupil Charles II. By this time the royalist movement had lost its religious fervor, and the materialism of Hobbes was in full step with the spirit of the hour. Ever a personal favorite of Charles, Hobbes now became the intellectual lion of the Restoration. Charles granted him a pension and made him a regular attaché of the court. Thus at the age of 72, in the enjoyment of fame, security, and means, Hobbes entered the final phase of his amazing career. He might have enjoyed repose and retirement, but the tremendous drive of his bodily and mental energies would not allow it. For reasons of expediency the king placed a muzzle upon his political work, and he turned therefore to more academic fields and poured forth during the next nineteen years a succession of treatises in physics, history, law, and classical literature which would have been sufficient in themselves to establish the fame of a lesser man. At the age of eighty-four he wrote his autobiography in Latin verse, a work said to be distinguished by "its playful humor, occasional pathos, and sublime self-complacency."¹ At eighty-five he put out an authoritative and well-received translation of four books of the *Odyssey*, and at eighty-seven he astonished the world of letters by bringing out complete translations of the *Iliad* and the *Odyssey*. In the middle of his ninety-second year a brief illness struck the pen from his hand; and death came before he had time to taste the feebleness and futility of old age.

By those who knew him intimately Hobbes is described as a man of singular attractions. Handsome, witty, generous, loyal, epicurean in taste and mode of life, and yet withal a brilliant and profound thinker, he was regarded as the personification of all but one (physical bravery) of the most prized virtues of Cavalier England. But by his enemies, and especially by the Puritan clergy of the Restoration Period, he was held to be the personification of evil—atheist, libertine, monarchist, foe of human rights, a veritable Satan incarnate.

III

All that is memorable in the political philosophy of Thomas Hobbes may be found in the *De Cive* and the *Leviathan*. Either book would be sufficient to secure its author a high place in the pantheon

¹ *Ibid.*, p. 551.

of political thought, but the *De Cive* never could have achieved the prodigious fame which came to the *Leviathan*. Although Hobbes translated the *De Cive* into English about the same time that he published the *Leviathan*, it was too much a work of austere philosophy to become the focus of popular controversy as the *Leviathan* did. The latter contained almost every fundamental idea that appeared in the *De Cive* and much to boot. In the *Leviathan* Hobbes gave more extended consideration to theological and ecclesiastical problems bearing on politics and wrote with a provocative vigor which was bound to send the hounds baying on his trail. The very title of the book was a challenge, and the frontispiece contained the massive figure of a crowned giant made up of tiny human figures and bearing in one hand a sword and in the other a crozier, the emblems of temporal and spiritual authority. Who could fail to be intrigued by the thing or to glimpse something of its significance? It was a book that simply had to be read and that, being read, either captivated the reader with its trenchant style and remorseless logic or shocked him to fury by its cool dissection of human frailties and its impious liberties with traditional verities.

Hobbes was not an atheist, nor perhaps a confirmed skeptic; but his method and point of view were such as to convince the pious that he was in very truth the Anti-Christ. He was first of all a convinced materialist, utterly rejecting the supernatural and contending that all phenomena could be studied and understood in terms of finite natural forces. Geometry was his hobby—in fact his grand passion—and he firmly believed that all problems could be solved by the methods of geometry. Precedents and authorities he distrusted entirely; for observed facts, however, he had deep respect and for reason a reverence amounting almost to worship. He frequently boasted that he read nothing at all, saying he would know as little as other men if he read as much as they. Schoolmen and universities were among his pet aversions; and he delighted in baiting them as much as the professional debunkers of the present day. Of unction, moral fervor, and sentimental idealism he had none at all; but he had a genius for analysis, a passion for simplification and synthesis, and was the master of a robust and compelling English style.

In the *Leviathan* Hobbes launched his inquiry into the nature of the state by a study of the nature of man as a sentient, acting phe-

nomenon. The behavior of man, according to the initial postulate of the book, is a product of external forces operating upon the organs of sense, "either immediately as in the Tast and Touch; or mediately, as in Seeing, Hearing, and Smelling: which pressure, by the mediation of the Nerves, and other strings, and membranes of the body, continued inwards to the Brain, and Heart, causeth there a resistance, or counter pressure, or endeavour of the Heart to deliver itself: which endeavour because *Outward*, seemeth to be some matter without. And this *seeming* or *fancy*, is that which men call *Sense*; and consisteth, as to the Eye, in a *Light*, or *Colour figured*; To the Eare, in a *Sound*; To the Nostrill, in an *Odour*; To the Tongue and Palat, in a *Savour*; and to the rest of the body in *Heat*, *Cold*, *Hardness*, *Softnesse*, and such other qualities as we discern by *Feeling*. All which qualities called *Sensible*, are in the object that causeth them but so many several motions of the matter, by which it presseth our organs diversely. Neither in us that are pressed, are they any thing else, but divers motions. . . . But their apparance to us is *Fancy*, the same waking, that dreaming. . . . For if those Colours, and Sounds, were in the Bodies, or Objects that cause them, they could not bee severed from them, as by glasses, and in Ecchoes by reflection, wee see they are; where we know the thing we see, is in one place; the apparance, in another. And though at some certain distance, the reall, and very object seem invested with the fancy it begets in us; Yet still the object is one thing, the image or fancy is another. So that Sense in all cases, is nothing els but original fancy, caused (as I have said) by the pressure, that is, by the motion, of externall things upon our Eyes, Eares, and other organs thereunto ordained." ¹

Standing thus upon the same fundamental ground as the modern behaviorists, Hobbes completely rejected the doctrine that the human species is capable of thought or behavior independent of the external stimuli which set the faculties of sense in motion. What we are and what we do, he thought, are primarily the consequence of our reaction to the forces environing our lives. Men, he declared, measure all things by themselves, and ascribe to other men and even to inanimate objects qualities which, as a result of their sensory experiences, they find in themselves. Imagination he defined as simply a survival of sensory stimuli—the retention of "that motion which is

¹ *Leviathan* (Everyman's Library, 1914), pp. 3-4.

made in the internall parts of a man . . . when he Sees, Dreams, &c.”¹ Memory is the same thing, save that it signifies that the sensory stimulus is fading; experience is the memory of many things; a mental process or train of thought is merely a succession, accidental or intended, of fancies resulting from motions within us as a consequence of sensory stimuli; speech is the transfer of a train of thought into verbal form, words being devices to label our thoughts, insure their remembrance, and effect in others sensory stimuli similar to those we have experienced; reason is but the addition of thought to thought to constitute a total, or the subtraction of thought from thought to give a remainder.² Such in the opinion of the tough-minded realist of Malmsbury is the primary social equipment of man, the earth-stuff of politics. Man is entirely a creature of circumstance; prone to every inconsistency of character that might result from the varied impulses set in motion by the manifold stimuli affecting his sensory apparatus; capable of colossal errors of reason and judgment, violent storms of passion, and abysmal excesses of iniquity as well as of straight thinking, rational behavior, and lofty virtue. Moreover,

“Nature hath made men so equall, in the faculties of body, and mind; as that though there bee found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himselfe any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others that are in the same danger with himselfe.

“And as to the faculties of mind, (setting aside the arts grounded upon words, and especially that skill of proceeding upon generall and infallible rules, called Science; which very few have, and but in few things; as not being a native faculty, born with us; . . .) I find yet a greater equality amongst men, than that of strength. For Prudence, is but experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto. . . .

“From this equality of ability, ariseth equality of hope in the attaining of our Ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their End (which is principally their owne conservation, and sometimes their delectation only,) endeavour to destroy, or subdue one

¹ *Ibid.* p. 5.

² See *ibid.*, pp. 64–66.

another. And from hence it comes to passe, that where an Invader hath no more to feare, than another man's single power; and if one plant, sow, build, or possesse a convenient Seat, others may probably be expected to come prepared with forces united to dispossesse, and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the Invader again is in like danger of another. . . .

"Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man. For Warre, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of *Time*, is to be considered in the nature of Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a shower or two of rain; but in an inclination thereto of many days together; So the nature of Warre, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. . . .

"To this warre of every man against every man, this also is consequent; than nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law; where no Law no Injustice. Force and Fraud, are in Warre the two Cardinall vertues. Justice and Injustice are none of the Faculties neither of the Body, nor Mind. . . . They are qualities, that relate to men in Society, not in Solitude. It is consequent also to the same condition, that there be no Propriety [property], no Dominion, no *Mine* and *Thine* distinct; but onley that to be every man's, that he can get; and for so long, as he can keep it." ¹

These brief quotations lay bare the underpinning of the Hobbesian system of political thought. The intrinsic nature of man, the factors determining his processes of thought and action, and the conditions under which his life must be lived all conspire to produce a perpetual struggle, which, but for the restraining power of political authority, would be likely at any moment to break forth into anarchical violence. For the sake of self-preservation, therefore, men have been driven to set over themselves a common authority, a veritable leviathan, that can restrain their anarchical impulses and lift them out of the miserable condition of plunder, assassination, and fear that is the natural state of man outside the bonds of organized society. For this purpose men have created commonwealths and appointed rulers to have dominion over them.

¹ *Ibid.*, pp. 63-66.

The state of nature being, as Hobbes conceived it, a condition of war of every one against every one, it followed according to his reasoning that natural right and natural law could be of little consequence. "The Right of Nature," said he, ". . . is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own *Nature*; that is to say, of his own Life; and consequently, of doing anything, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto."¹ The law of nature was in his opinion of a twofold character; first, that every man should, so far as possible, seek to attain his ends by peaceable means, thus inviting to himself the least possible violence, but that when peace is not possible he should seek and use all the helps and advantages of war; second, that he should be willing, as far as may be necessary for his own defense and welfare, to surrender his absolute liberty and be content with as much liberty against other men as he would allow them against him. Thus it may be said, in the view of Hobbes, that the law of nature presents to men two alternatives: (1) that each man insist upon his own absolute liberty and rely solely upon his own power and resources for defense against invasions of his liberty, or (2) that each man contract with every other man to divest himself of part of his liberty and set up a common power to conserve the liberty of all.

Organized human society, argued the nimble-minded author of the *Leviathan*, is everywhere a product of contractual relationships born of the second, and only rational, alternative which natural law offers to men. That such contracts are not to be found in express form cannot alter the case. Wherever organized society exists the existence of such a contract must necessarily be inferred, because there could be no organized society if men had not either by words or by deeds entered into such an understanding. It is not a contract between the governed and their rulers, for it is one that must of necessity be antecedent to the existence of rulers; nor does it make any difference that it may have been entered into under fear and duress. Under the law of nature it is the only alternative to individual self-reliance. Hence it is a fully binding contract, and can only be discharged by performance or mutual release.

We now perceive the unmistakable direction of Hobbes' thought. For him political society is an institution founded upon a

¹ *Ibid.*, p. 66.

social contract that men have been obliged to make in order to escape the reign of violence which results from unrestrained liberty. Rulers are not parties to this contract but objects of it, invested with authority and power to compel the parties to perform their obligations under it. If it were not so, if there were no supreme and independent authority to enforce compliance with the social contract, it would be a vain and futile gesture. Any man could ignore it at will, and the members of a commonwealth would find themselves in the same position as though they had not covenanted at all. In order, therefore, to have a society in which law, order, and justice may be possible it is necessary to have a coercive power set over all men in such a way as not to be subject to their capricious passions and determinations.

"The only way" declares Hobbes "to erect such a Common Power . . . is, to conferre all their power and strength upon one Man, or upon one Assembly of men, that they may reduce all their Wills, by plurality of voices, unto one Will; which is as much as to say, to appoint one Man, or an Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgment. This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise his Actions in like manner.* This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the generation of that great LEVIATHAN, or rather (to speake more reverently) of that *Mortale God*, to which we owe under the *Immortale God*, our peace and defence. For by this Authoritie given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to forme the wills of them all . . . And in him consisteth the Essence of the Commonwealth; which (to define it) is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*

"And he that carryeth this Person, is called SOVERAIGNE, and said to have *Souveraigne Power*; and every one besides, his SUBJECT."¹

¹ *Ibid.*, pp. 89-90.

Upon this foundational ideology Hobbes proceeded to build an elaborate superstructure. From the intrinsic nature of the commonwealth as analyzed by him he deduces the necessary rights and obligations of sovereign and subject. Being bound, every man to every man, those who have instituted a commonwealth and agreed to submit their wills to the will of a sovereign have not the right, without the permission of the sovereign, to make a new compact and appoint a new sovereign to rule over them. They have mutually agreed to subject their wills to that of the sovereign, and cannot lawfully, therefore, will to do anything in respect to the commonwealth that is in conflict with the supreme will of the sovereign. Any attempt to do so on the part of any portion of the members of the commonwealth would be a clear violation of the social contract. Neither may it be contended that the sovereign, by reason of egregious acts of omission or commission on his part, may be deemed to have forfeited the prerogatives conferred upon him by the social contract, because the sovereign is not a party to the contract and hence cannot violate it. Though he be, in sooth, a creature of the contract, he is above and apart from it. Nothing short of an agreement, binding every man to every man, to dissolve the social contract and return to a state of complete individual liberty could lawfully undo the effects of the social contract and deprive the sovereign of his supreme authority. So long as organized society stands, no revolution or social change contemplating anything less than unanimous consent to revert to the state of nature could vitiate the rights of the sovereign.

The possession of sovereignty, according to Hobbes, carries with it the right of immunity from civil or criminal action, the right of public censorship, the right of making laws to regulate all personal and property relationships, the right of adjudicating all controversies involving questions of fact or of civil or natural law, the right of making war or peace, the right of commanding the military forces, the right of choosing ministers, counselors, and other public officials, the right of punishing offenses and rewarding merit, and the right of bestowing honors and regulating social precedence. "These are the Rights, which make the Essence of Sovereignty; and which are the markes, whereby a man may discern in what Man or Assembly of men, the Sovereign Power is placed, and resideth. For these are incommunicable, and inseparable."¹

¹ *Ibid.*, pp. 94-95.

“But a man may here object, that the Condition of Subjects is very miserable; as being obnoxious to the lusts, and other irregular passions of him, or them that have so unlimited a power in their hands. And commonly they that live under a Monarch, think it the fault of Monarchy; and they that live under the government of Democracy, or other Sovereign Assembly, attribute all the inconvenience to that forme of Commonwealth; whereas the Power in all formes, if they be perfect enough to protect them, is the same; not considering that the estate of Man can never be without some incommmodity or other; and that the greatest, that in any forme of Government can possibly happen to the people in generall, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill Warre; or that dissolute condition of masterlesse men, without subjection to Lawes, and a coercive Power to tye their hands from rapine and revenge.”¹

Of right and liberties, therefore, Hobbes could not concede the members of the commonwealth a very generous portion. Every member, according to his reasoning, retained his freedom of will in so far that he might follow his own inclinations if he chose, but all had agreed to submerge their wills in that of the sovereign and to sanction every act of the sovereign as their own. Hence it followed that a man's liberty to follow his own inclinations gave him no right to oppose his will to that of the sovereign, and when in the pursuit of his own inclinations he came into conflict with the will of the sovereign, the latter must of right prevail. The only absolute and indefeasible rights men in a commonwealth could claim would be those which by the law of nature could not be covenanted away. The chief of these, thought Hobbes, was a man's right to defend his own body. But that did not mean that he could not contract to allow the sovereign to take his life in the proper exercise of authority, but merely that he could not bargain away his right to resist assaults upon his person or to abstain from the necessities of life.

But—

“The obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them. For the right men have by Nature to protect themselves, when none else can protect them, can by no Covenant be relinquished. The Sovereignty is the Soule of the Common-wealth; which once departed from the Body, the members doe no more receive their motion from it. The end of Obedience is Protection; which wheresoever a man

¹ *Ibid.*, p. 96.

seeth it, either in his own, or in anothers sword, Nature applyeth his obedience to it, and his endeavour to maintain it. And though Sovereignty, in the intention of them that make it, be immortall; yet it is in its own nature, not only subject to violent death, by forreign war; but also through the ignorance, and passions of men, it hath in it from the very institution, many seeds of natural mortality, by Intestine Discord.”¹

Thus far we have touched only those features of Hobbes' political thought which may be regarded as the core of his system. The *Leviathan* embraces much more. It set out to be a systematic and comprehensive treatise on politics and neglected nothing which the author conceived to be within the ambit of this science. The various forms of commonwealth are exhaustively discussed. The criterion of classification is whether sovereignty be vested in one person or in more than one. If in one person, the commonwealth is a monarchy; if in an assembly representative of all, it is a democracy; if in the spokesman of part of the people only, it is an aristocracy. The virtues and failings of each of these three types of state organization are fully treated, and with characteristic Hobbesian acuteness. Hobbes clearly inclines to favor monarchy, as being conducive to more unified, energetic, and efficient government than the other types. It unites, he says, public with private interest more perfectly than democracy or aristocracy, which exhibit a fatal inclination towards factionism, inconstancy, corruption, and inertia. Elected monarchs and limited monarchs he regards not as sovereigns but as ministers of sovereigns. Hereditary monarchy with unrestricted power is to be preferred over such governments, and this despite the fact that it presents peculiar and troublesome difficulties in the matter of succession. These, nevertheless, may be largely avoided by recognizing that succession to sovereign power should always be determined by its present possessor. No one else can have any right approaching his, and if, upon his death, the question of succession is to revert to any assembly of all or part of the people, it means a return to chaos and confusion.

Few political thinkers after Aristotle perceived more clearly than Hobbes the intimate relation between economic and political life. His famous quip, to the effect that if the geometric axiom proving that the three angles of a triangle constitute two right angles had been unfriendly to the rich all books on geometry would have

¹ *Ibid.*, p. 116.

been burned, has been a perpetual joy to the economic determinists. It is essential to the life of a commonwealth, he tells us, that there be an adequacy of material commodities to satisfy the needs and wants of the people, and further that these be properly distributed among the people. That the provision and distribution of economic goods is within purview of sovereign authority he has no doubt whatever. "For where there is no Common-wealth, there is . . . a perpetual warre of every man against his neighbour; And therefore every thing is his that getteth it, and keepeth it by force; which is neither *Propriety* [in the sense of private ownership], nor *Community* [common ownership]; but *Uncertainty*. Which is so evident that even *Cicero*, (a passionate defender of Liberty,) in a publique pleading, attributeth all Propriety to the Law Civil . . . Seeing therefore the Introduction of Propriety is an effect of Common-wealth; which can do nothing but by the Person that represents it, it is the act onely of the Sovereign; and consisteth in the Lawes, which none can make that have not the Sovereign Power. And this they well knew of old, who called that *Nóμος*, (that is to say, *Distribution*,) which we call Law; and defined Justice, by *distributing* to every man *his own*." ¹

The deduction which Hobbes makes from these premises is that there is no inherent right of property, and that it is the function of the state, and also its necessary duty, to regulate the ownership and distribution of land, to control and regulate foreign and domestic commerce, to control the coining and circulation of money, and to levy tribute upon wealth for the support of the commonwealth.

In respect to law Hobbes had many acute observations to make. Natural law and civil law he regards as mutually complementary, each containing the other; but civil law differs from natural law in that it comprises those rules which are applied to subjects by the command of the sovereign. Such law may be spoken, written, or traditional; the form does not matter so long as it has the will of the sovereign behind it. Apart from the law of nature, however, nothing can be viewed as law unless it be applied to men in some way that is to be universally obeyed. It is the function of the sovereign not only to declare the law, but also to interpret and execute it. The sovereign, however, is above the law and accountable only to God under the law of nature. This latter body of law and all

¹ *Ibid.*, pp. 130-131.

laws "consisting in the Morall Vertues, as Justice, Equity, and all habits of the mind that conduce to Peace, and Charity . . ." ¹ Hobbes refuses to classify as positive law, which, clearly anticipating Austin, he defines as rules that "have been made Lawes by the Will of those that have had the Sovereign Power over others." ¹

Most interesting too is Hobbes' diagnosis of the things that weaken or tend to the dissolution of the commonwealth. First he mentions (thinking perhaps of certain monarchs of his own day) the lack of energy, aggressiveness, and mastership which causes some rulers to fail to seize and exercise the full power necessary to the proper government and defense of the commonwealth. Second he mentions the demoralizing and poisonous effects of certain erroneous, if not positively seditious, doctrines. Among these is the notion that every private individual is a competent judge of good and evil actions and consequently that whatsoever a man does against his conscience is a sin. Only in the state of nature, avers Hobbes, could such a thing be possible. In organized society there can be but one standard of right and wrong for every person, and that is the civil law. Private conscience and private judgment may have a play in purely private matters, but in matters where man's relation to society is concerned they have no place whatsoever.

Pernicious and dangerous also is the belief that faith and sanctity are not to be attained by study and reason, but only by supernatural inspiration or infusion. Nothing causes more distraction and disorder in a commonwealth than a body of men obsessed with the notion that God has inspired them and revealed His truth to them. Such deluded mortals belittle the work of education, discipline, and reason, and insist that true holiness, true knowledge of right and wrong, can be had only by supernatural experiences. Viciously jabbing at the Puritans, Hobbes declares that such absurd notions have "proceeded chiefly from the tongues, and pens of unlearned Divines; who joyning the words of the Holy Scripture together, otherwise than is agreeable to reason, do what they can, to make men think that Sanctity and Natural Reason, cannot stand together." ² All of which makes for dogmatic self-righteousness, disrespect for authority, and disobedience of laws the holy one cannot reconcile with the vagaries of his own conscience. Men who

¹ *Ibid.*, p. 151.

² *Ibid.*, pp. 172-173.

assume to walk and talk with God are a disruptive force in any societal relationship, and Hobbes will have none of them in his commonwealth. Security, stability, and order simply cannot be maintained where the individual conscience is the supreme law.

Equally menacing to the peace and security of the state are the doctrines that the sovereign is subject to the civil laws, that every individual has an indefeasible right to his own property, and that the sovereign power may be divided. The sovereign admittedly is subject to the law of nature, which is divine and cannot be abrogated by any man; but being the author of the civil law, the sovereign could not in the nature of the case be subject to it. To attempt to enforce the civil law against the sovereign is to deny the existence of sovereignty and undermine the cornerstone of the commonwealth. The doctrine that rights of private property run against the sovereign is equally specious and equally dangerous. The commonwealth is the source of property, and if the sovereign is unable to intrude upon private property rights, he cannot perform the essential functions of sovereignty, neither defend the people against foreign enemies nor restrain them from doing injury to one another. The notion that sovereignty may be divided is, thinks Hobbes, patently fallacious. To divide a thing whose essence is unity is to destroy it utterly.

The third and fourth parts of the *Leviathan*, which Hobbes entitled "Of a Christian Common-wealth" and "Of the Kingdome of Darknesse," excited more interest and controversy in his own day than they do in ours. He was so devastatingly critical of the theological absurdities of the time, so cogently insistent upon the supremacy of temporal authority, so skeptical of supernaturalism in all its forms and pretenses, and so savagely disparaging to the Roman Church in particular that his name became anathema to the pious of all creeds. Nor has time yet effaced the libels heaped upon this mild and genial country tutor for the liberties he took with the pet dogmas of the righteous of his day. Along with Machiavelli, Voltaire, and Paine he occupies a pedestal in the Christian hall of infamy.

IV

Scholars still quarrel about the rank of Thomas Hobbes among the avatars of political thought. One declares that "His work

placed him at once in the front rank of political thinkers and his theory became from the moment of its appearance the centre of animated controversy and enormous influence throughout western Europe.”¹ A second informs us that “Hobbes’s biographer could only find a solitary supporter, while his assailants were countless. ‘Hobbesism,’ in fact, stood for atheism, materialism, despotism, or, indeed, for any other -ism that the fancy of the age suggested.”² A third says, “The theory of Hobbes had little immediate following in English political thought, although it probably influenced Cromwell to assume dictatorial power. . . . His doctrines were not revived in England until the second half of the eighteenth century, in the works of Bentham and Austin. His comparison of the State to a human organism was taken up later by Spencer and the sociologists. On the continent, however, his doctrines were developed immediately by Spinoza.”³ A fourth opines that “His whole philosophical system is very near to that of Machiavelli; he may be regarded as an ethical materialist who reduces all the aspirations of human nature to a brutal egoism and, for the most part the satisfaction of animal appetites.”⁴ A fifth more tolerantly suggests that “His main virtue, as also his supreme defect, is his realism, if we use that term of a capacity of seeing with great clearness and honesty everything in human behaviour which one without faith or emotion can see. He was almost overwhelmingly sensible.”⁵

The great difficulty in evaluating the work of such a thinker as Hobbes is that few appraisers of his thought can be as objective and unsentimental as was Hobbes himself. Every one is prone to see according to what lies behind his own eyes, and so was Hobbes; but he did succeed in achieving a degree of scientific detachment that not many political thinkers have attained. That he should be grossly misunderstood by the bitter partisans of his own time was inevitable, and that he should be better understood with the onrush of democracy in later times is scarcely probable. His system of thought turned out, as Dr. A. D. Lindsay correctly notes, to be “a vindication of the absolute rights of whatever government

¹ W. A. Dunning, *A History of Political Theories from Luther to Montesquieu* (1905), p. 300.

² R. H. Murray, *The History of Political Science from Plato to the Present* (1926), p. 216.

³ R. G. Gettell, *History of Political Thought* (1924), p. 221.

⁴ K. F. Geiser and O. Jászi, *Political Philosophy from Plato to Jeremy Bentham* (1927), p. 732.

⁵ A. D. Lindsay, Introduction to Everyman’s ed. of *Leviathan*, p. xi.

happens to be in power";¹ though it would be scarcely just to say that he embarked upon his inquiry with that objective definitely fixed in mind. Science was his major passion and reason his consuming occupation. That he was in the royalist camp may have colored his views somewhat, but not enough to deflect him from conclusions which were highly offensive to many of the truly devout and sincere royalists of the time. In the other camp he might not have been impelled to write on politics, but his fundamental ideas could not have been essentially different so long as he adhered to his materialistic philosophy. Absolute truth was his goal, and rigorously logical analysis and synthesis were the means by which he sought to reach that goal.

That explains, perhaps, the formidable character of his system of political thought, and likewise the bitter and often hypercritical opposition it has engendered. Though he seemed, superficially, to be nothing more than the advocate of a partisan cause in the English civil war, his doctrines cut to the vitals of causes on which men almost universally have been ready to stake life and fortune. His theories may not square with modern scientific knowledge, and were not without flaw by the scientific lights of his own day; but their scientific bases were no less plausible than those of rival political doctrines, and they had the additional advantage of dispensing entirely with theological hocus-pocus and historical fancy. Nor can it be said that many political theories of later times, despite enormous advances in scientific knowledge, are more firmly grounded upon unimpeachable facts than are those of Hobbes.

Hobbes simply could not be ignored, and cannot be ignored even now. Puritan and Cavalier alike might condemn him, but Cromwell and Charles II could both take comfort in his doctrines. Never did a thinker state a stronger case for political absolutism or more powerfully support the thesis that the consent of the governed is not necessary to the exercise of sovereign authority. Never did a publicist produce theories more damaging to the cult of liberty and democracy. Bolshevist, Fascist, and other modern exponents of the *macht-politik* are as much in his debt as the Bourbons and Stuarts of bygone centuries. There is, indeed, very little in the anti-democratic political philosophies of the twentieth century that old Hobbes did not say three hundred years ago.

¹ *Ibid.*, p. ix.

Nor did any political thinker ever formulate better grounds than Hobbes for the suppression of revolution and rebellion. Abraham Lincoln of necessity fell back on the Hobbesian conception of social compact and sovereignty in order to find justification for the use of force in quelling the secession of the South. There was no other position to take; for, leaving ethical and economic factors aside, the North had no case against the South other than the contention that the Union could not legally be dissolved by the action of part of the states. If there is any legal right at all in any state to crush subversive ideas, seditious utterances, and revolutionary movements, it must be rooted in juridical theories holding, with Hobbes, that the state is an entity which absorbs the wills of all its members.

If Hobbes was a materialist, he was also a rationalist; and rationalism, not to say realism, in copious doses was needed to shock political thought out of the academic obfuscations in which in Hobbes' time, as always, it tended to become enveloped. He challenged the underlying bases of the political ideology of his day, and by forcing his attackers to meet him in the arena of fact and reason did much to inspire a revival of the scientific attitude towards politics. Nor was his materialism founded upon callous indifference to moral objectives. For man as a moral being Hobbes had as little to say as Machiavelli, but he declined to divorce politics and ethics as completely as Machiavelli did. He agreed with the Florentine that man is naturally self-centered and moved chiefly by his appetites, desires, and passions; but he believed, as Machiavelli obviously did not, that through the power of the state—and, indeed, in no other way—a moral order might be established and man by force converted into a moral being. Again and again Hobbes presses the point that where every man is free to judge for himself what is right or wrong, to decide for himself what God expects of him, to obey or disobey in accordance with whether he believes the state to be invading the realm of conscience, to challenge the acts of the sovereign whenever he fancies the social contract to have been violated, there can be no semblance of uniformity or universality as to what is binding in ethics, religion, or law. The purpose of the state, the supreme object of political authority, is to abolish the multifariousness and anarchy which make morality impossible. And unless the power of the sovereign be absolute and supreme it cannot accomplish this result.

Libertarians have been hard put to meet this argument. In fact they never have completely met it. Theoretically, of course, it is conceivable that men might be so enlightened and ennobled by education and religion as to need no master but the individual conscience, but most of us are not yet ready to pension the police and take our chances on the good work of the schools and churches. Pending the arrival of the millennium, therefore, the champion of individual freedom must strike a bargain with his lovely principles and admit that in some respects at least men still have need of an omnipotent temporal overlord. Hence the amusing artifice of saving the face by attempting to draw a line between the things that are Caesar's and the things that are not. Our Lord refused to try it, and in that respect at least Thomas Hobbes was indeed sacrilegious; for his answer to the dilemma which Jesus bequeathed to his followers was: Render unto Caesar that which Caesar commands, and unto God also that which Caesar commands.

Does it seem to be a brutal and irreverent doctrine? Well, what of the position of those who deny it? One concedes that it is properly within the province of the state to forbid the sale of alcoholic beverages, but passionately denies its right to forbid the sale of watered securities. His neighbor vehemently denies the right of the state to violate his conscience by compelling him to do military service, but believes it is perfectly proper for it to violate the consciences of people who do not agree with him as to what should be taught in the schools. Seldom do two individualists agree, in the absence of coercive authority, as to where the line shall be drawn. The social idealist, who also is often an individualist, generally recoils from the manifest evils of untrammelled individualism and paradoxically espouses some program of mildly socialistic reform, evidently believing in his simplicity that it is possible to empower the state to work weal but not woe. Thomas Hobbes was too keen a logician and too clear an analyst of social processes to become entangled in such difficulties. For him there was no middle ground; there was either absolutism or anarchy, and he did not hesitate to embrace the former.

The influence of Hobbes was quite perceptible in nineteenth-century legal thought. His doctrine of sovereignty and his idea of positive law were fully embodied in the legal philosophy of the great Victorian professor of jurisprudence, John Austin. Austin exerted a

great influence upon legal thought and practice in the last century, and a considerable portion of the older judges and practitioners of to-day follow Austin, who in turn followed Hobbes. By repudiating the classical doctrine of the law of nature and making clear that only man-made law can be effective in human affairs Hobbes did much to pave the way for Bentham and the great movement for scientific legislation of which he was the guiding genius.

In many other ways political thought has been fertilized by the work of Hobbes. The stimulus he gave to the organismic and sociological schools of political thought has already been mentioned. Likewise his contribution to the doctrine of economic determinism. It may be said also that Hobbes completely demolished the doctrine of divine right of kings, and that his overwhelming materialism permanently dispelled the fogs of mysticism in Anglo-American political thought.

Altogether we are forced to conclude that this debonair and versatile tutor, who spent the major part of his life imparting rudimentary learning to succeeding generations of Cavendish heirs, was one of the great political thinkers of the English race, one whose name will endure as long as men trouble their minds about matters political.

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CHAPTER XV

VOICES OF FREEDOM

I

IN the terrific duel between Cavalier and Roundhead, as in every great social cataclysm, the issues were often much confused. It was a contest not alone of rival sects, divergent creeds, warring social classes, and contradictory theories of government, but also of embattled power-groups ready to appropriate any convenient argument which might furnish a plausible rationale of the means employed to gain their ends. The absolutism of Hobbes was not, as we have seen, unwelcome to the dour rebel dictator, Oliver Cromwell. Nor was the libertarianism of the Puritan disputationists less agreeable at times to Royalist partisans than to the gimlet-eyed theocrats of the Cromwellian camp.

Despite these inconsistencies, it is a fact, nevertheless, that the voice of freedom spoke mainly for the cause of Parliament and the insurgent masses as against the monarch and the favored classes. At stake in the struggle was not merely the possession of sovereign authority, but also the right of that authority to have dominion over the individual conscience, to stand between man and God, suppress liberty of thought and deed, and govern by arbitrary ukase without the consent of the nation. The Presbyterian mind could accommodate itself to dictatorship as a temporary expedient to restore order and stamp out reactionary plottings, but to acquiesce in absolutism as a rightful and integral part of the political edifice was unthinkable. As Lord Protector, Cromwell wielded dictatorial powers, but only by the Hitler technique of violently distorting the Instrument of Government by which he was clothed with executive authority. No dictatorship was ever contemplated by that most interesting example of Puritan *Staatslehre*. On the contrary it provided for a government of definitely limited powers with a council of state and a popularly elected parliament to restrain the chief executive. And when Cromwell, forced to action by the dilly-dally failure of the people's representatives to vote supplies for the army and navy, invoked the coördinate powers of his office to dissolve the parliament and rule single-handedly,

there were howls of protest from thousands of liberty-lovers who denounced the Lord Protector as bitterly as they had formerly excoriated Charles I.

Of the innumerable host of verbal gladiators whose partisan pens flamed high in the cause of freedom and spread subversive ideas abroad in the land, two in particular, because of their eminence and their unending influence upon the political thought of mankind, shall engage our attention here. They are John Milton, poet, scholar, and civil servant, and John Locke, physician, philosopher, and officeholder—illustrious Brain Trusters of the seventeenth century.

II

Biographers of John Milton dwell mostly on his poetic genius, mourning the twenty years he gave to political occupations as a tragic and irretrievable loss to English literature. Between the ages of 32 and 52 Milton's energies were so absorbed by the exactions of public office and the writing of political tracts that his poetic output shrank like a stream in a drought-smitten land. But who can say that *Paradise Lost*, *Paradise Regained*, and *Samson Agonistes* would have fulfilled the youthful promise of *Lycidas*, *L'Allegro*, and *Il Penseroso* had not those two decades of soul-wracking struggle with tremendous human affairs intervened between the poet's early and mature periods of lyric fecundity? And who will declare that the pen which so nobly vindicated the rights of man in the *Areopagitica* and the *Tenure of Kings and Magistrates* would have been better employed in the production of pretty metrical embroideries?

John Milton was dedicated from early youth to an intellectual career. The poet's father had been sent to Oxford and there had embraced the Church of England in disregard of the wishes of his father, an ardent and uncompromising Roman Catholic. For this apostasy the son was disinherited and cast off. Going to London, he became a scrivener, an occupation akin to the modern profession of solicitor, and managed to accumulate a comfortable fortune. Doubly devoted to the church of his choice by reason of the penalty he had paid for deserting the Romish communion, he was pleased to hope and plan that his son and namesake, born in 1608, might become a minister of the Church of England. Young John Milton was therefore sent early to school and was also provided

with special tutelage at home. Having the intellect to respond to this forcing process, he was ready for college at the age of 16, and was sent to Cambridge in 1625.

Milton's career in the university had a profound effect in shaping the course of his later life. He was so utterly intellectual, perhaps so much a prig, that he could not happily adjust himself to the crude and boisterous undergraduate life of the time. His shy and fastidious habits together with his youthful and effeminate appearance won him the sobriquet of "The Lady of Christ's," thus stamping him in modern campus jargon as a "pansy" or "cookie." He was assigned, moreover, to a tutor whose narrow scholasticism and bigoted ecclesiasticism were utterly revolting to his free-ranging mind. Biographers of Milton trace his repugnance to the Established Church and his subsequent swing to Non-conformism very largely to the influence of this detested mentor. But in spite of these maladjustments Milton achieved distinction as a student and remained three years after graduation to take the M.A. degree. If his university experience had done nothing else, it had settled the young scholar's mind on one point: he could never become a clergyman. That was entirely out of consideration. Nor had he discovered a definite leaning to the law or any other recognized profession. Literature was the thing which most attracted him, and that was no profession at all.

Happily his father's material circumstances and sympathetic understanding of his difficulties and aspirations made it possible for him to return to the parental domicile and take all the time he wanted to equip himself for a career in letters. Six years he lived on his father's bounty, "communing," it is said, "with nature and with books"¹ and writing such things as he felt inspired to undertake. In this period the young poet produced a quantity of notable verse, including *Comus*, *L'Allegro*, *Il Penseroso*, and *Lycidas*, which brought him considerable fame and established his reputation as a luminary of genuine quality and great promise in the literary firmament. It was now time for him to make the conventional European tour of the English gentleman and scholar. So in 1637, with papa still paying the bills, Milton set forth on a long and leisurely tour of the continent. In course of his journeys he visited Paris, Geneva, Florence, Naples, Rome, and other centers

¹ Mark Pattison, *Milton* (1879), p. 15.

of art and culture, where he was received as a distinguished English poet and introduced into the most select literary circles.

Returning to England in August, 1639, Milton found the country on the verge of civil war. Though his sympathies were entirely with the Parliamentary cause, he refrained at first from taking any part in the struggle. One of his boyhood tutors, Thomas Young, was an active pamphleteer on the Puritan side and obtained Milton's aid in several things he put out. In 1641, however, Milton dropped all pretense of neutrality and appeared in the lists with five pamphlets in his own name. In these he launched a scorching attack on the prelacy of the Established Church, particularly denouncing their insistence upon episcopal government in that hallowed institution. Thenceforward until 1660, when the restoration of the Stuarts retired him from the political arena, Milton's amazing genius was devoted to polemics and public office. Throughout this long leave of absence from poesy the erstwhile "Lady of Christ's" kept the presses hot with prose compositions of such virility that even to-day their power is remarkable.

In 1643, just as he was beginning to make a splash as a political writer, Milton contracted as strange a marriage as modern history records. His bride, Mary Powell, was a girl of seventeen, almost eighteen years his junior. Worse than that, she was the daughter of Royalist parents who had taught her to despise almost everything that Milton held sacred and important. Incompatibility was inevitable, and within three months the young bride deserted her husband and returned to her own family. Milton besought her to come back to him, indeed ordered her to do so, but all he got for his pains was a point-blank refusal. So now he had a personal wrong as well as intellectual convictions to inflame his pen.

Within a month after the breach with his wife he brought out an heretical pamphlet advocating divorce by civil instead of canon law. This stirred the ire of the regular clergy and there was talk of prosecuting him, but nothing came of it. Immediately he turned his fire upon the universities, urging drastic reforms in education, and then turned again to the subject of divorce and gave the Church and the clergy another broadside. This was too blunt a challenge to be ignored. The heresy hunters called attention to the fact that his various pamphlets had appeared without the license of the official censor as required by law, and demanded that he be prose-

cuted. The matter was taken up in Parliament and referred to committees both in the House of Commons and in the House of Lords. Facing the issue squarely, Milton immediately published, without license or registration, the *Areopagitica, a Speech of Mr. John Milton for the Liberty of Unlicensed Printing*. This was not merely an eloquent and impassioned plea for freedom of the press; it was sheer defiance. But no action was taken against the author; the revolution by this time was getting too hot to handle.

After the battle of Naseby in 1645 it was evident that the Stuart cause was lost. The Powell family, quick to see the advantage now of a connection with a prominent Puritan personage, contrived to effect a reconciliation between Milton and his wife. He not only took back his wife, but took in the whole Powell family, who had gone down with the Royalist cause and were now virtually destitute and friendless. The death of his father a few months later put Milton in easy economic circumstances and enabled him to follow his political interests with complete freedom.

Upon the beheading of Charles I in 1649 he rushed to the defense of the revolutionary government with a pamphlet entitled *The Tenure of Kings and Magistrates*. For this performance he was rewarded with a political job, being made Secretary for Foreign Tongues to the Council of State of the new Commonwealth. Though the proper duties of this office were those of a clerk and translator, much more was expected of Milton. His prodigious talents were drafted into service as propagandist extraordinary for the nation. From this eminence he carried on a never-ending war of words against the enemies of the Cromwellian régime. Undoubtedly the most notable product of his versatile and speeding pen in this period was the *Pro Populo Anglicano Defensio*, written in Latin in reply to a calumnious tract which had been put out by the Dutch scholar Salmasius at the instance of the exiled royal family.

About 1650 Milton began to have trouble with his eyes and was warned by his doctor that he must give up all close work or suffer total blindness. Placing his duty to the Commonwealth first, he refused to consider the relinquishment of his office or the curtailment of his work. In 1652 the penalty fell upon him. In the same year his wife died in childbirth, leaving three small daughters to his care. In darkness and sorrow he went doggedly ahead with his

official duties, using secretaries in the place of eyes. In 1656 he married again and in 1658 the second wife died, also in childbirth. Later in the same year Oliver Cromwell was gathered to his fathers and office of Lord Protector was bestowed upon his feeble son, Richard. The Commonwealth was doomed; the restoration of the Stuart dynasty was merely a matter of time. But Milton could not believe the great cause lost. With all his furious eloquence and dialectic skill he strove to persuade the nation that the old régime must not come back. First he indited a vigorous pamphlet demanding the separation of church and state, and in February, 1660, he delivered his final volley, *The Ready and Easy Way to Establish a Free Commonwealth, and the Excellence Thereof compared with the Inconvenience and Dangers of readmitting Kingship to this Nation*.

It was all in vain. In three months Charles II was on the throne, and Milton was out of office, a fugitive from the officers of the Crown. Why Milton was not run down and prosecuted by the government of Charles II remains to this day an unsolved mystery. It is sometimes claimed that influential friends intervened in his behalf, but the more plausible explanation is that the government, having become convinced of his harmlessness, did not wish to excite animosity by making a martyr of him.

The remainder of Milton's life was spent in retirement and poverty. Most of his fortune had been invested in the securities of the Commonwealth, which the restored monarchy refused to recognize. Good fortune returned to him in 1663 in the form of a third marriage by which he secured a devoted and sympathetic caretaker for the remainder of his days. Though most of Milton's life in retirement was occupied with the composition of those great poetic masterpieces which have won him a rank second only to Shakespeare in English letters, the old lion of political controversy was not wholly stilled. In 1673, sensing a growing reaction against the restoration government because of its inclination toward Romanism, Milton came out with a pamphlet inveighing against popery and arguing for toleration. In 1674, at the age of 65, he was dead.

III

In Milton's political writings there was little that was original or novel, but his ideas were the outgrowth of a consistent philosophy of liberty and were fused into a potent body of thought. The major

premise of his libertarian doctrine was the ancient postulate of natural freedom and natural rights. All human beings, Milton declared, are by nature free-born and endowed with reason and the right to work out their own destiny. Pursuing these natural rights and endowments, they form commonwealths and choose magistrates to serve as their agents. Rulers, therefore, have no powers but those delegated to them and must exercise their authority under the restraint of law. Royalist debaters, arguing against the legality of tyrannicide, contended that the act of the people in forming a commonwealth and bestowing authority on the monarch was an act of God. So be it, for the sake of argument, retorted Milton; "then why may not the people's act of rejection, be as well pleaded by the people as an act of God, and the most just reason to depose him?"¹ Moreover, he insisted, oppressive government which stifles and destroys the faculties of the individual for self-development is raw tyranny and may be justly resisted and overthrown. Self-development, in the Miltonian view, was the most sacred of natural rights; hence his valiant and ceaseless battle for freedom of speech and religious liberty. That truth would ultimately prevail over error he had not the slightest doubt. Furthermore, the realm of conscience was for him the realm of God, which no mortal government had the right to invade.

But with all his devotion to liberty Milton was no Leveller, no indiscriminate advocate of mass rule. The Puritan Revolution was in no sense a proletarian movement; it was definitely an uprising of the middle classes whose social and economic advancement made them no longer amenable to the political and religious hegemony of the great nobles and churchmen. Milton was wholly middle-class in derivation and largely so in thought. Though he fully accepted the abstract doctrine that political power and authority belong to the people, he was equally persuaded that the people must act through forms of organization suitable to the time and occasion. Liberty was a fetish with him, but not democracy. There might be times when democracy was not the proper form of organization for the effectuation of the common will. He had no doubts whatever as to the propriety of the Cromwellian dictatorship and vigorously defended it as the only appropriate and practicable means of realizing the will of the nation.

¹ *The Tenure of Kings and Magistrates, Prose Works* (Wallace Ed., 1925), p. 339.

Of all Milton's prose writings the best remembered is the *Areopagitica*. It is also probably the most characteristic of his approach to political questions. The title, borrowed apparently from the *Areopagitic Discourse* of Isocrates, refers obviously to the Areopagus, that famous hill in Athens on which the highest judicial tribunal sat. To the mind familiar with classical allusions no further explanation was needed. Milton was addressing his plea for freedom of the press not simply to Parliament, but to that body as the supreme judicial authority of the nation. His argument was predicated on four bed-rock points: (1) that censorship and suppression discourage all true scholarship and learning; (2) that they are futile, merely placing a premium on the bootlegging of bad books; (3) that intelligent and fair administration of such laws is impossible; and (4) that they proceed often from ulterior motives or give them release and scope.

"I do not deny," says Milton, countering the argument that unlicensed printing is dangerous, "but that it is of greatest concernment in the church and commonwealth, to have a vigilant eye how books demean themselves as well as men . . . for books are not absolutely dead things, but do contain a progeny of life in them to be as active as that soul whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous dragon's teeth; and being sown up and down, may chance to spring up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book kills reason itself, kills the image of God, as it were in the eye. Many a man lives a burden to the earth; but a good book is the precious lifeblood of a master spirit, imbalmed and treasured up on purpose to a life beyond."¹

Moreover,

" . . . how shall the licensers themselves be confided in, unless we confer upon them, or they assume to themselves above all others in the land, the grace of infallibility and uncorruptedness? And again, if it be true, that a wise man, like a good refiner, can gather gold out of the drossiest volume, and that a fool will be a fool with the best book, yea, or without a book; there is no reason that we should deprive a wise man of any advantage to his wisdom, while we seek to restrain from a fool that which being restrained will be no hindrance to his folly."¹

¹ *Areopagitica*, *ibid.*, pp. 296-297.

Many a Puritan was ready to go as far in coercion as any henchman of the king. To such Milton spoke, as well as to the Royalists, when he penned the following passage:

"Impunity and remissness for certain are the bane of a commonwealth; but here the great art lies, to discern in what the law is to bid restraint and punishment, and in what things persuasion only is to work. If every action which is good or evil in a man at ripe years were to be under pittance, prescription, and compulsion, what were virtue but a name, what praise could then be due to well doing, what gramercy to be sober, just, or continent? Many there are that complain of divine Providence for suffering Adam to transgress. Foolish tongues! when God gave him reason, he gave him freedom to choose, for reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the motions. We ourselves esteem not of that obedience, or love, or gift, which is of force; God therefore left him free, set before him a provoking object, ever almost in his eyes; herein consisted his merit, herein the right of reward, the praise of his abstinence. Wherefore did he create passions within us, pleasure round us, but that these rightly tempered are the very ingredients of virtue? They are not skilful considerers of human things, who imagine to remove sin by removing the matter of sin. . . . Though ye take from the covetous man his treasure, he has yet one jewel left; ye cannot bereave him of his covetousness. Banish all objects of lust, shut up all youth into the severest discipline that can be exercised in any hermitage, ye cannot make them chaste that came not thither so. . . . Suppose we could expel sin by this means, so much we expel of virtue; for the matter of them both is the same; remove that and ye remove them both alike."¹

Strange-sounding Puritanism is this to us of a generation that remembers only the Puritan attempt to create a society policed by the godly. Surely it cannot be John Milton, high prophet of Puritan England, speaking! Better argument against blue-laws could not be phrased by the most subtle libertarian. But Milton it is in very truth; the prophet whom Puritan England and Puritan America heard but did not follow, because their faith in mankind did not equal his; because they did not believe, as did he, in liberty enlightening the world, setting reason on the throne, and inspiring and impelling men to the supreme virtue of self-discipline and self-control. The Milton doctrine of liberty they could warmly applaud in the abstract, but in practice they inclined, as the consciously righteous of all generations have done, to the Hobbesian view that morality must be enforced by law and authority.

¹ *Ibid.*

In *The Tenure of Kings and Magistrates* Milton set out to prove "That is it lawful, and hath been held so through all ages, for any who have the power, to call to account a tyrant, or wicked king; and, after due conviction, to depose, and put him to death. . . ." In laying the groundwork of his case he entered upon an analysis of social origins and gave an interesting exposition of the compact theory of the state.

"No man who knows aught," he wrote, "can be so stupid as to deny that all men were naturally born free, being the image and resemblance of God himself, and were, by privilege above all creatures, born to command, and not to obey: and that they lived so, till from the root of Adam's transgression, falling among themselves to do wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and jointly defend themselves against any that gave disturbance or opposition to such agreement. Hence came cities, towns, and commonwealths. And because no faith in all was sufficiently binding, they saw it needful to ordain some authority, that might restrain by force and punishment what was violated against peace and common right. This authority and power of self-defence and preservation being originally and naturally in every one of them, and unitedly in all; for ease, for order, and lest each man should be his own partial judge, they communicated and derived either to one, whom for the eminence of his wisdom and integrity they chose above the rest, or to more than one, whom they thought of equal deserving: the first was called a king; the other magistrates: not to be their lords and masters . . . but to be their deputies and commissioners, to execute, by virtue of their intrusted power, that justice, which else every man by the bond of nature and of covenant must have executed for himself, and for one another. . . ."

"It being thus manifest, that the power of kings and magistrates is nothing else but what only is derivative, transferred, and committed to them in trust from the people to the common good of all, in whom the power yet remains fundamentally, and cannot be taken from them, without a violation of their natural birthright, . . . it follows from necessary causes, that the titles of sovereign lord, natural lord, and the like, are either arrogancies, or flatteries, not admitted by emperors and kings of the best note, and disliked by the church both of Jews and ancient Christians. . . ."

"Secondly, that to say, as is usual, the king has as good a right to his crown and dignity, as any man to his inheritance, is to make the subject no better than the king's slave, his chattel, or his possession that may be bought and sold." ¹

¹ *The Tenure of Kings and Magistrates, ibid.*, pp. 331-334.

Then reasoning that if a private individual may be disinherited for violation of law, so may a king, Milton proceeded to this sweeping denial of divine right:

“Thirdly, it follows, that, to say kings are accountable to none but God, is overturning all law and government. For if they may refuse to give account, then all covenants made with them at coronation, all oaths, are in vain, and mere mockeries; all laws which they swear to keep, made to no purpose.”¹

The foregoing samples are not only typical of Milton's political ideas; they contain the very core of his thought. That he added to the world's stock of political doctrines little that was new, is easy to perceive. But the magnitude of his influence is not to be measured by the originality of his thinking. What he said, though not original, was said with more force and conviction than it had ever been said before, and was fortified with the marvelous crudition and dialectic skill of one of the greatest minds the English race has produced. Above all else among the requisites of a rational and righteous political order Milton esteemed liberty, and above all liberties, liberty of mind and soul. “Give me,” he cried in the *Areopagitica*, “liberty to know, to utter, and to argue freely according to conscience, above all liberties.”² That impassioned appeal for liberty reverberated throughout the English-speaking world; and for what we have of freedom of speech and press and religious worship in the British and American constitutional systems of to-day, we are immeasurably indebted to the overwhelming eloquence and logic of Milton's political tracts. Milton, the political thinker, deserves our homage no less than Milton, the poet.

IV

Few men are privileged to influence the thought and action of their own and subsequent times as considerably as John Locke. Not alone in political thought, but in economics, education, theology, and metaphysical philosophy did the luminous intellect of this seventeenth-century doctor of medicine pencil out lines of thought that multitudes were destined to follow. Born at Wrington, Somersetshire, in 1632, John Locke was the son of an attorney and landowner of modest means who in 1642 enlisted in the Parliamentary

¹ *Ibid.*

² *Areopagitica, ibid.*, p. 318.

army and served as captain of a company of volunteers. "From the time that I knew anything," Locke is quoted as having said in later life, "I found myself in a storm, which has continued to this time." His education was begun with tutors in the home and was continued at near-by public schools. In 1652, at the age of 20, he entered Christ Church College, Oxford.

Locke's career in the university was not particularly distinguished. Oxford at that period was under the domination of the fanatical and intolerant left wing of the Puritan party, and Locke found their narrow discipline little to his taste. Though his repugnance did not carry him over to the opposition, it dulled his enthusiasm for formal studies and caused him, as he said, to seek the company of gay and liberal spirits from whom he gained a great knowledge of things not taught in books or sanctioned by the university authorities. Though Locke made no effort to distinguish himself in scholastic exercises while at Oxford, he appears to have done a great deal of stimulating reading. Hobbes and Descartes were the writers who stirred him most, though not to the point of uncritical imitation. He took his B.A. in 1656 and stayed on to take the M.A. in 1658. Then he was given an appointment as tutor in Greek, rhetoric, and philosophy at Oxford.

But teaching was not to the liking of this unregimented scholar. After the Restoration he considered taking orders in the Church of England, but could not bring himself to endure the restraints of an ecclesiastical career. Science had always beckoned him, so he decided to take up the study of medicine. To learn the profession he became assistant to David Thomas, an eminent physician then practicing at Oxford. After a few years of apprenticeship Locke became a full-fledged medical practitioner, but continued his close association with Thomas.

In 1666 occurred an incident which altered the whole course of Locke's career. Lord Ashley, soon to become Earl of Shaftesbury, came to Oxford for his health and took treatments from Dr. Thomas. Through Thomas, Locke and Shaftesbury became acquainted. This casual acquaintance quickly ripened into warm friendship, and in 1667 Ashley invited Locke to come to London as his personal physician and confidential secretary. The next fifteen years of Locke's life were spent in the Ashley ménage.

Ashley was one of the towering public men of the day. In the

Puritan Revolution he had first fought in the Royalist armies; then, seeing in the king's cause, as he thought, a menace to the Protestant religion, he had gone over to the Parliamentary side and had become a field-marshal in the rebel forces. After Naseby he supported Cromwell for a time, but joined the extreme Presbyterians and Republicans in opposition to the dictatorship of the Lord Protector. As an opposition leader he took an active part in the overthrow of Richard Cromwell and became a prominent factor in the restoration of Charles II; which movement, be it remembered, was initially constitutionalist and not absolutist in character. Ashley at once took a high place in the councils of the restored monarchy and quickly mounted higher. In 1672 he was made Earl of Shaftesbury and was elevated to the post of Lord Chancellor.

Locke profited enormously from his connection with Shaftesbury. Socially he was brought into contact with most of the great figures of the day in politics, science, and letters. Through his intimate relations with Shaftesbury he was afforded an inside view of public affairs and gained a very considerable personal prestige, as it was widely believed that he was Shaftesbury's confidential adviser, which in all probability he was. Shaftesbury had Locke appointed to two positions in the government—Secretary of Presentations (an office having charge of church matters under the Lord Chancellor's jurisdiction) and Secretary to the Council of Trade and Foreign Plantations. In addition to carrying the burden of these offices along with his medical duties and other responsibilities in the Shaftesbury family Locke applied himself to various philosophical studies and took part in the proceedings of the Royal Society, of which he was elected a member in 1668.

In 1673 Shaftesbury was dismissed from office and Locke's career took another turn. As a champion of Protestantism Shaftesbury had persistently opposed the popish trend of the government and had also incurred the ill-will of the monarch, it is alleged, because of his attempts to stop the granting of money to the king's mistresses. Immediately upon his dismissal from office he went into battle and became the acknowledged leader of the opposition. Locke went out of office with his patron, but, finding his health seriously impaired, did not remain in England. The character of the ailment which laid hold of him at this time has been the subject of some difference of opinion among his biographers, some pronouncing it tuberculosis

and others chronic asthma. Thinking he might benefit by a change of climate, Locke repaired to France for rest and treatment. It was of little avail, however; he remained a semi-invalid the rest of his life.

Striving to placate the growing opposition, Charles II restored Shaftesbury to office in 1679. Locke immediately returned from France and resumed his old position, continuing in office until 1681, when Shaftesbury, in excess of zeal to secure Protestant succession in England, became implicated in intrigues which caused him to be arrested and tried for treason. Though acquitted, he was forced to leave the country. Locke promptly relinquished his place in the government and retired to Oxford, but lived in constant fear of persecution. In 1683, feeling that action against him was imminent, he sought asylum in Holland, where he lived not merely in retirement but in actual concealment in order to avoid extradition to England. During this enforced exile Locke made his first serious appearance as an author. He was now fifty-four years of age, well past the normal age of great intellectual and literary fecundity, and in constant ill-health. But with Locke the last years of life were the most fruitful. The period from 1683 to his death in 1704 witnessed the production of practically all the great philosophical works which have made his name great in the history of human thought.

During the exile in Holland Locke was prominently identified with schemes concocted by English political emigrés for the overthrow of the House of Stuart and became well acquainted with William, Prince of Orange. When William, after the Revolution of 1688, was invited to ascend the English throne, Locke hurried back to his homeland, sailing on the same ship with Mary, the princess consort. Under the new régime Locke was offered the post of ambassador to Brandenburg, but declined on account of poor health. The office of Commissioner of Appeals, which he did accept, obliged him to live in London, and the insalubrity of the London climate soon compelled him to surrender this post and retire to the country. Thenceforth practically all of his time and energy were devoted to philosophical and literary labors. In 1696 he was persuaded to accept a commissionership on the Board of Trade, but the frequent visits to London which this appointment required entailed a strain he could not long endure. In 1700 he resigned and did not again appear in public life. Death came in 1704, interrupting the completion of the *Fourth Letter on Toleration*.

Locke's writings number over thirty separate titles, spreading over such dissimilar fields as politics, economics, education, theology, philosophy, natural science, horticulture, and biography. In at least four of these fields—politics, education, theology, and philosophy—his work ranks among the highest achievements of the human mind. In the political field the principal works of this frail intellectual genius are: *A Letter on Toleration* (1689), *Two Treatises of Government* (1690), *A Second Letter on Toleration* (1690), *A Third Letter on Toleration* (1692), *A Fourth Letter on Toleration* (posthumous), and *The Fundamental Constitutions of Carolina* (written in 1673 in connection with his labors as Shaftesbury's secretary, but not published until 1706).

V

Taken as a whole Locke's intellectual labors, in whatever field they chanced to lie, may be epitomized as a superlative appeal to reason. Rationality was at once the keynote of his life and the central purpose of all his mental questing. When he wrote of Christianity, it was to demonstrate that common sense and reason were the only adequate grounds on which the Christian faith could be accepted. When he wrote on education, it was to plead for methods that would lead the pupil to a rational discernment of truth. When he wrote on metaphysics, it was to seek the true bases of perception, knowledge, and understanding. When he wrote on government, it was to explore the reasonableness of political authority and to explain what forms and processes of government were or were not in accord with the dictates of reason.

This deeply ingrained trait of mind and soul is beautifully exemplified in the four *Letters on Toleration*. Locke's philosophical defense of religious liberty in these four epistles is in the opinion of Mr. A. C. Fraser, the renowned Scotch logician, "the most far-reaching of his contributions to social polity." Milton had argued for toleration on the ground that repression was futile and vicious, defeating its own ends and balking the development of true morality. Other forerunners of Locke had advocated toleration on grounds of fair play, public policy, or sectarian interest. But for the dispassionate doctor-politician these pleas were entirely insufficient. The real justification for toleration, Locke reiterated again and again—the one impregnable and unanswerable argument—is the frailty of the human intellect and the limitations of human

understanding. Men may *think* they are right, but they cannot *know* it. Knowledge, Locke contended in the *Essay Concerning Human Understanding*, is neither innate nor revealed, but consists of the perception of relations among ideas. And ideas, he had further declared, are all born of experience, without which they are but empty words. Experience, however, is such a treacherous jade, presenting herself in so many deceptive guises, that we can be sure, not of rational finalities and certainties, but only of reasonable probabilities. How, then, can error be condemned as immoral or heresy as a sin? By what color of right or reason can authority impose its affirmations on those who disagree?

A well-aimed ripost was this, to counter the all-assuming absolutism of Hobbes. In substance agreeing with Hobbes as to the fallibility of human nature, both in its mental and moral aspects, Locke insisted that it was improper to deduce from this premise either the reasonableness or the necessity of absolute authority. The author of the *Leviathan* could see no possibility of morality in human society without uniform and universal standards enforced by supreme authority. Otherwise, in his view, there would be naught but a chaos of individual judgments and self-interested actions. Be it so, answered Locke; yet what assurance could one have of the rightness of precepts enjoined by sovereign authority? Are crowned heads or mitred thatches less prone to err than common noddles? If so, where is the proof? Supernatural explanations will not do; Hobbes himself had rejected all such puerile fancies. Kings and bishops accordingly must be possessed of purely finite minds nowise exempt from the shortcomings of human understanding. And in experience they are wont to be less well equipped for rational judgments than the average clodhopper in the fields. Were it not better, then, to practice toleration, trusting that from the free competition of a multitude of ideas relative truth may emerge? Can more be expected in this mundane sphere?

This was indeed a tough morsel for authoritarians to chew. Their attempted rationalization of absolutism was revealed as an absurd *non sequitur*, whereupon they promptly forgot or ignored Mr. Hobbes and fell back upon the fantastic mythology of Filmer's exposition of the divine right of kings. Locke's bold empiricism could not be met in the open field of fact and reason. He had made a case for toleration that no honest and unprejudiced mind could deny.

The most complete and systematic of Locke's political writings is the volume entitled *Two Treatises of Government*, published in 1690 as a vindication of the Whig Revolution. As the title indicates, the book encompasses two distinct treatises. The first is a point-by-point refutation of Filmer's *Patriarcha*; the second is a careful and scholarly exposition of Locke's own constructive political ideas. The first treatise need not detain the modern reader long. Sir Robert Filmer would now be wholly unremembered if Locke had not taken the trouble to answer him. But at the time Locke wrote it seemed important to smash Filmerism and smash it hard. Poor Filmer had been thirty-six years in his grave, but his book on the divine right of kings had achieved a great posthumous vogue among the reactionaries, particularly the Jacobites and high churchmen, because of its subtle and vigorous championship of legitimacy and divine ordination. These dialectical dexterities Locke proceeded to let the wind out of once and for all. When he had finished with Filmer there was not enough lung-power left among all the legitimists and pretenders of England to reflate the jaunty balloon of divine right.

The second treatise opens, as would be expected in a scientific study, with a consideration of the nature of political power and the origin of the state. In common with most scholars of his time Locke espoused the social compact theory of the state. For this he had the respected authority of a line of thinkers extending clear back to Greek and Roman times; and, best of all, he had also the authority of Hobbes, the one truly scientific defender of the reactionary cause. But Locke was too good a logician to give away his case by accepting the speculative premises either of Hobbes or of the extreme radicals as to the character of the original state of nature. For him the state of nature anteceding the social contract was not a Hobbesian condition of strife in which every man was arrayed against every other; nor was it a state of idyllic concord and happiness in which social frictions were adjusted by voluntary and mutual concession on the part of the noble savages of the presocial era. Rationalist to his finger tips, Locke preferred to plant his feet on solid middle ground. The original state of nature, he tells us, was "a state of perfect freedom to order their actions, and dispose of their persons and possessions as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will

of any other man.”¹ Furthermore, it was “A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another. . . .”¹ Thus far he is in agreement with Hobbes.

“But,” he goes on to say, announcing his dissent from the theory of the great absolutist,

“though this be a state of liberty, yet it is not a state of licence; though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another’s pleasure. . . . And that all men may be restrained from invading other’s rights, and from doing hurt to one another, and the law of Nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of Nature is in that state put into every man’s hands, whereby every one has a right to punish the transgressors of that law to such a degree as may hinder its violation. . . . And thus, in the state of Nature, one man comes by a power over another, but yet no absolute or arbitrary power . . . , but only to retribute to him so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint.”²

The state of nature was thus explained as a condition of right and reason; non-political, but not non-social. In Locke’s state of nature there was no jungle war of every man against every man, no sentimental human brotherhood, but a reign of law predicated upon reason and equality. Equality in what? Why, obviously, in independence of domination by others; certainly not in qualities of brain and physique, or in rank and possessions. Let this basic equality be destroyed, and there would be no reason in human relations, no law of nature. To preserve this natural and legal equality of man, said Locke, each individual must recognize and respect the equality of every other; must, in brief, concede to every man that

¹ John Locke, *Two Treatises of Civil Government* (Everyman’s Library, 1924), p. 118.

² *I id.*, pp. 119–120.

which he claims for himself. By the law of nature equality of personal independence is every man's birthright. To defend it is his most sacred duty; to transgress it is a flagrant wrong inviting and justifying redress. No person and no government may rightfully infringe upon it. This equality of independence embraces life, liberty, and property. Such are the inherent and inalienable rights of man. Thus in a nutshell we have the momentous doctrine of natural rights, Locke's greatest contribution to political thought and one of the most explosive ideas that ever found lodgment in the human mind.

That Locke, the denier of innate ideas, should be the doughty champion of inherent rights, is one of those curious paradoxes which attest the human quality of even the greatest intellects. In the realm of metaphysics Locke dealt objectively with things as he thought they were; in the realm of politics he dealt subjectively with things as his Whiggish preconceptions subtly beguiled him to believe they were, because in a rational society of the Whig pattern they ought so to be. The hand is subdued to the dye it works in, says the old adage. Locke was not the first political thinker, nor yet the last, to fall a victim to the fallacy of wish-fulfillment. That is the commonest of all pitfalls for the man who advocates a cause, be the nature of that cause what it may. But the doctrine of natural rights was none the less potent by reason of its obviously partisan cast. In shaping political behavior ideas squarely contrary to proved or provable facts may have more influence than absolute truth. It was so with the Lockean concept of natural rights. Dynamite could not have been more devastating to the ancient foundations of political authority. Imbued with a fanatical belief in the rights of man, revolutionists of the eighteenth and nineteenth centuries were destined to blast the old order to smithereens and plunge the western world into a headlong career of experimentation with democracy.

Though not a condition of violence and anarchy, Locke's state of nature, as we have noted above, fell considerably short of being a condition of Arcadian bliss. It was attended with many inconveniences. Because of differences of understanding, of moral standards, and of personal interest, disputes were bound to arise, even among those sincerely desirous of following the law of nature. Though in principle each was empowered to maintain his own

rights, taking justice into his own hands if his rights were violated, this was very unsatisfactory. It made each man the judge in his own case and militated against coöperation for the common good.

Recognizing these shortcomings of the state of nature and perceiving that the remedy lay in the formation of civil government, men in the state of nature, according to Locke, voluntarily compacted and agreed "to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it."¹ This compact, Locke takes particular pains to point out, did not involve an agreement to surrender any natural rights except that of executing the law of nature and redressing one's own wrongs. And in surrendering this one right men yielded it to society as a whole, not to any particular individual or group. Society having been invested by the social compact with the right to execute the law of nature and do justice between men, it became the function of society to decide what acts were in violation of the law of nature and to prescribe and administer appropriate remedies. Beyond that point, however, political authority could not justly go. The business of political society was to preserve, not invade, men's natural rights of life, liberty, and property. Which did not mean, be it reiterated, that the function of the state was to secure men equality of any kind save equal immunity from wrongful coercion or spoliation in the exercise of the inherent rights of life, liberty, and property.

The idea of sovereign authority, as developed by Bodin and Hobbes and other exponents of the leviathan state, was wholly alien to Locke's concept of political society. His concern was not to exalt political authority, but to describe its limitations. His political community was the product of the voluntary consent of its members, and his rulers were mere agents of the community having none but delegated powers. "In all lawful governments," he asserted, "the designation of the persons who are to bear rule . . . had its establishment originally from the people . . . all commonwealths, therefore, with the form of government established, have rules also of appointing and conveying the right to those who are to have any share in the public authority; and whoever gets into the exercise of any part of the power by other ways

¹ *Ibid.*, p. 164.

than what the laws of the community have prescribed hath no right to be obeyed, . . . since he is not the person the laws have appointed, and, consequently, not the person the people have consented to.”¹ Moreover, though a magistrate or ruler be properly appointed by law to exercise political authority, he may, by “the exercise of power beyond right, which nobody can have a right to,”¹ become a tyrant. “Wherever law ends, tyranny begins, if the law be transgressed to another’s harm; and whosoever in authority exceeds the power given him by law, and makes use of the force he has under his command to compass that upon the subject which the law allows not, ceases in that to be a magistrate, and acting without authority may be opposed, as any other man who by force invades the right of another.”² Not persons, we thus perceive; not monarchs, prelates, privileged castes, or even elected rulers are in Locke’s view the embodiment of sovereignty; but law—law rooted in common consent.

But common consent does not require unanimity. On such terms organized society would be impossible, a fact which Locke was quick to recognize, saying, “When any number of men have consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest. . . . For that which acts [actuates] any community, being only the consent of the individuals of it, and it being one body, must move one way, it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority, or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it agreed that it should; so every one is bound by that consent to be concluded by the majority.”³ Otherwise “this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact if he were left free and under no other ties than he was in before in the state of Nature.”³

That there is such a thing as supreme power within the allotted sphere of government Locke manifestly does not deny, but he locates it in the will of society as expressed in law having the sanction of the majority and executed by agents definitely responsible thereto. Significantly foreshadowing the rise of the parliamentary

¹ *Ibid.*, pp. 217–218.

² *Ibid.*, p. 219.

³ *Ibid.*, pp. 164–165.

system, Locke assigned to the legislature the supreme power in government; but not arbitrary or absolute power. The legislature must respect the inalienable rights of the individual. Its power extends only to those things committed to government by the social compact. The natural rights of man must ever be regarded as constitutional limitations on the authority of all lawmakers and all rulers.

Secondary to the legislative function, though equally vital in the actual operation of government, Locke placed the executive function in which, anticipating by two centuries Goodnow's *Politics and Administration*, he included both the administrative and the judicial processes. A third process of government he also differentiated, embracing war, peace, foreign relations, and other exterior concerns. This, quaintly, he styled the federative function.

Especially interesting and noteworthy in Locke's treatment of governmental organization and functions was his advocacy of the organic separation of powers. "And because," we read in the *Second Treatise*,

"it may be too great temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make, and suit the law, both in its making and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the community, contrary to the end of society and government. Therefore in well-ordered commonwealths, where the good of the whole is so considered as it ought, the legislative power is put into the hands of divers persons who, duly assembled, have by themselves, or jointly with others, a power to make laws, which when they have done, being separated again, they are themselves subject to the laws they have made. . . . But because laws that are at once, and in a short time made, have a constant and lasting force, and need a perpetual execution, or an attendance thereunto, therefore it is necessary that there should be a power always in being which should see to the execution of the laws that are made, and remain in force. And thus the legislative and executive power come often to be separated."¹

Mighty in effect as most of Locke's political theories were, none shook the bedrock of legitimism and authoritarianism as violently as the famous doctrine of revolution. Standing foursquare on the proposition that sovereignty can exist only in the community as a

¹ *Ibid.*, pp. 190-191.

whole, Locke insisted that political authority is a trust which must be directed to the ends for which men have abandoned the state of nature and entered into the social compact. Failing this, "when the legislative, or the prince, either of them act contrary to their trust . . . by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and by the establishment of a new legislative (such as they think fit), provide for their own safety and security, which is the end for which they are in society. What I have said here concerning the legislative in general holds true also concerning the supreme executor, who having a double trust put in him, both to have a part in the legislative and the supreme execution of the law, acts against both, when he goes about to set up his own arbitrary will as the law of society."¹ And if it be said, Locke continues, that this doctrine lays a foundation for unceasing discord and rebellion in the state (which is precisely what Hobbes had said), then "they may as well say, upon the same ground, that honest men may not oppose robbers or pirates, because this may occasion disorder or bloodshed. . . . The end of government is the good of mankind; and which is best for mankind, that the people should always be exposed to the boundless will of tyranny, or that the rulers should be sometimes liable to be opposed when they grow exorbitant in the use of their power, and employ it for the destruction, and not the preservation, of the properties of their people?"²

Revolutionist that he was in the sense expressed in the foregoing quotations, Locke was no radical, either in his own time or ours. The intemperate doctrines of the Levellers, Fifth Monarchy men, Anabaptists, and other gentry of the lunatic fringe were as repugnant to him as to Hobbes. Much water had gone over the dam since the day of Praise-God Barebone. Locke was defending, not the Puritan Revolution but the Whig Revolution; and the Whig Revolution, as Daniel Webster pointed out, was a revolution "in favor of property as well as of other rights."

That this was true, the writings of Locke fully attest. The chief object of political society, he repeatedly affirmed, was the protection and preservation of property. In the state of nature, according to his theory, all things were in common, no man having private

¹ *Ibid.*, pp. 228-229.

² *Ibid.*, p. 233.

dominion exclusive of the rest of mankind. By nature every man had dominion over his own person and nothing more; but when by his own labor he removed from its natural state something that "Nature hath provided and left in it, he hath mixed his labor with it, and joined to it something that is his own, and thereby makes it his property."¹ The appropriation of the things of nature in this manner Locke ranked as one of the inherent rights of man which all should respect. In the state of nature of course it was the function of each man to safeguard his own right of property, but this had not been satisfactory. It was, indeed, the constant insecurity of property under this régime of self-help that had chiefly induced men to enter into the social compact, each resigning to the commonwealth his right to punish offenses against his property.

Thus, reasoned the acute Doctor Locke, it became the solemn duty of the state to preserve and protect the property and property rights of every member of society up to the point at least where no harm was done to others. By no means, however, did that signify that the state was to guarantee equality of possessions. When by mutual consent, asserted Locke, men agreed to use gold and silver as a medium of exchange, they agreed *ipso facto* to a form of property which could be stored up in excess of present needs and uses. Hence "it is plain that the consent of men have agreed to a disproportionate and unequal possession of the earth . . . they having, by consent, found out and agreed in a way how a man may, rightfully and without injury, possess more than he himself can make use of by receiving gold and silver, which may continue long in a man's possession without decaying for the overplus, and agreeing those metals should have value."²

It is clear, then, that the right of revolution, as viewed by Locke, was merely the people's original right of self-help invoked to overthrow a government which had defaulted in its obligations to the community, more especially in those pertaining to property. For, as he takes pains to say, "The reason why men enter into society is the preservation of their property; and the end . . . is that there may be laws made, and rules set, as guards and fences to the properties of all the society, to limit the power and moderate the dominion of every part and member of the society."³ When in this respect rulers become recreant to their trust, "they put themselves into a

¹ *Ibid.*, p. 130.

² *Ibid.*, pp. 140-141.

³ *Ibid.*, pp. 228-229.

state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge which God hath provided for all men against force and violence.”¹

VI

If, as critics are wont to opine, there is little that is absolutely original in the political philosophy of John Locke—few ideas and doctrines that had not been previously conceived and declared to the world—it is none the less a fact that this frail and bookish physician of seventeenth-century England must be ranked as one of the few political thinkers whose work will never die. That the ideas he employed first sprouted in other minds subtracts from his prodigious stature not a mite. Begetter of ideas he may not have been, but it is undeniably true that he was one of the foremost combiners of ideas and compounders of systematic thought that the world has ever known. Laying hold of abstruse and impotent concepts that had been floating around in the back eddies of European political thought for many generations, he wove them into a cohesive and kinetic body of doctrine that has gripped the political consciousness of Europe and America for two tremendous centuries. The eighteenth and nineteenth centuries bore the impress of Locke's political thought more completely and persistently than that of any other political ideologist, and to-day at the beginning of the second third of the twentieth century the question which occupies serious students of government more than any other is whether free peoples can forsake the principles of Locke and still remain free.

Political democracy owes John Locke a debt of incalculable magnitude. His was an unfailing arsenal of ideas and arguments whence eighteenth-century smashers of autocracy drew most deadly intellectual munitions; his were the theories and ideals by which nineteenth-century makers of constitutional democracy sought to shape popular institutions. The *Two Treatises of Government*, says Parrington, “became the textbook of the American Revolution.”² The Declaration of Independence is but a thunderous transcript of this mighty book. Locke must also be numbered among the makers of the French Revolution, for it was from his incomparable rationalization of the Whig Revolution that Diderot, Voltaire, Rousseau, and other fomenters of that tremendous upheaval derived much of

¹ *Ibid.*

² V. L. Parrington, *The Colonial Mind* (1927), p. 189.

their fundamental thought. And when, after the demolition of the old order, American and French revolutionists and the generations succeeding them came to draft instruments of government, they turned again and again to the writings of Locke for authentic interpretations of popular sovereignty and constitutional government.

"The most distinctive contribution of Locke to political theory," in the words of Professor William A. Dunning, "is his doctrine of natural rights."¹ If not the most distinctive, it was surely the most dynamic, and it may well deserve to be called both. Every constitutional limitation on sovereign power, every constitutional safeguard of individual liberty, every security accorded to property, every barrier against arbitrary and unlimited authority, every declaration of rights in the written constitutions of the last two centuries is predicated upon this simple but stupendous postulate, which made individualism an invincible political fact and breathed vitality into the wishful creed of *laissez faire*.

To an age that sees menace in sacred rights of property it is a curious and almost unpardonable paradox that Locke should have joined liberty of property and liberty of person, seemingly holding rights of possession more important than rights of humanity. But to the Whiggish mind of the good Doctor Locke there was no incongruity in this, nor any conceivable impairment of human rights. Locke was an economic realist who clearly perceived the causal connection between property and power, and it seemed to him, as to multitudes of the middle class who had suffered the tyrannies of a propertied aristocracy, that the one sure guaranty of life, liberty, and the pursuit of happiness lay in the democratization of property. To this end he sought a complete and indefeasible individualization of property, beyond the reach of any class, caste, order, or sovereign whom the vicissitudes of politics might raise to power. Guarantee every man freedom of property, and, according to the Lockean theory, there would be little cause to worry about his other liberties. He would be amply able to look out for himself.

This is a plausible theory even to-day, and in Locke's time it was almost overwhelmingly persuasive. The great corporate aggregations of property which are characteristic of modern capitalism were unknown in the seventeenth century. The legal ownership of property was probably as highly concentrated then as now,

¹ W. A. Dunning, *A History of Political Theories from Luther to Montesquieu* (1905), p. 364.

possibly more so; but it was in the main individual ownership rather than corporate ownership, and the actual control was far more widely dispersed than in the great collectivities of the present day. What we have in modern society to an ever-increasing extent is the collective ownership of property in private hands under a system of management which vests control in largely irresponsible and autocratic minorities. This of course is the very antithesis of the Lockean theory of ownership and control, which was that every man should be the undisputed lord and master of his own possessions in so far as this dominion worked no injury to other men. If Locke were living to-day with the same middle-class point of view that was his in the seventeenth century, it is entirely probable that he would apply his doctrine of property rights in a somewhat different manner. He would no doubt insist upon the natural and inalienable right of property, but he would recognize that in order to secure and safeguard this right for the middle class, to say nothing of the common rabble, it is necessary to have a degree of social control over great corporate combinations of property that was not requisite in the non-industrial seventeenth century.

Quite as influential as the doctrine of natural rights, though possibly less unique, was Locke's concept of constitutional government based on the consent of the governed and implemented by majority rule. Never before had a political thinker made so clear and cogent a case for the proposition that the rule of man over man, unless founded on the consent of the subjects, is without legal basis or justification. Never before had the necessity and practicability of government by majorities, through representative agencies acting under strictly delegated powers, been so convincingly stated. To an unusual degree Locke possessed the faculty of making the view espoused by him appear to be supremely reasonable, the one and only sensible view to take; and in this particular his constitutional theories were more insinuating than some of his more abstract cerebrations. The reformist mind of the eighteenth and nineteenth centuries was absolutely captivated by the Lockean philosophy of constitutional government; so much so that though the shaping hand was that of a Walpole, a Jefferson, a Gambetta, or a Cavour, the voice was invariably the voice of Locke.

Credit must also go to Locke for the clarification and development of the principle of separation of powers, which was to im-

print an indelible mark on American political institutions. Neglected since Polybius, this plausible hypothesis was taken up by the persuasive secretary-doctor and treated in his characteristically lucid and rational manner. Political thinkers and practical statesmen both were profoundly impressed. Following the trail broken by Locke, Montesquieu evolved the famous tripartite theory of governmental functions; and following both Locke and Montesquieu, the designers of American governmental structures—local, state, and national—gave us the threefold system of organization which has had more to do with the peculiar and esoteric developments of American government and politics than any other factor save possibly our federal plan.

Succinctly stated, the imperishable achievement of Locke as a political thinker lies in this: That he gave the world a systematic, rational, and eminently realizable philosophy of individualism, popular sovereignty, and constitutional government. In an age in which the dissonant tongues of Communist, Fascist, Nazi, Technocrat, and New Dealer unite in pouring scorn upon this glorious triad of libertarian doctrines, the author of the *Two Treatises of Government* may seem to be losing ground. Indeed, it would sometimes appear that the trend of the times is back to Hobbes and the philosophy of the *Leviathan*. Absolutism stalks the earth again, disguised, to make it more palatable, as proletarian dictatorship, totalitarian state, corporative commonwealth, and planned economy. The paramount question to-day is not whether we shall have a regimented society. We have it. In fact, we have had it for a long time, as thousands of luckless investors and unemployed workmen can sadly testify. The crucial question is whether we shall have private or public regimentation, or something in between; democratic or authoritarian regimentation. The rugged individualism which we hear so often praised and dispraised is but a hectic memory. It ceased to exist a generation ago. Shall we then conclude that Locke's philosophy of individual liberty has no place in modern life? Not at all. It is more vital now than ever before. The greatest danger of modern life is the submergence of the individual, a submergence no less probable in a régime of democratic collectivism than in one of autocratic stamp.

Let us, therefore, read Locke again, and read him more penetratingly. We shall find in his pages much to ponder and much to

apply to the problems of modern society. We shall discover, perhaps to our surprise, that Locke sought not liberty for the strong, the favored, or the fortunate alone, but liberty for every man regardless of his circumstances in life; and that he looked upon government as a necessary and proper agency of the majority to secure and conserve the liberty of all. It may be that we live in a world in which that ideal is unattainable, but it is an ideal we must ever strive to attain, lest we lose the finest fruits of civilization. And whatever the future order of society may be, we are assured that there will be more liberty and security for the individual than could have been the case had not the western mind for two long centuries been deeply impregnated with the political philosophy of John Locke.

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CHAPTER XVI

SEVENTEENTH CENTURY INTELLECTUALS

I

THE seventeenth century was a bloody century. It was the century of the 'Thirty Years' War, the English Civil War, the Anglo-Dutch wars, the repeated wars of Louis XIV, the wars of Spain and the Dutch Republic, the internecine wars of the German princes, the various wars of Russia, Sweden, and Poland, the far-flung wars of colonization, and of other wars too numerous to recite. There was scarcely a year of general peace throughout the whole century. Carnage, chaos, and destruction reigned unchecked. Never did the outlook for western civilization seem more dark and uncertain.

But, remarkable to say, the seventeenth century was also a century of unparalleled intellectual advancement. If wars never ceased, neither did intellectual ferment. It was the century of Galileo, Newton, Descartes, Kepler, Harvey, Boyle, and other great pioneers of science to whom we are indebted for the foundations of modern technology. It was the century of Bacon, Spinoza, Leibniz, Pascal, Locke, and other founders of modern systems of philosophy. It was the century which witnessed the crowning work of Shakespeare, and was also the century of Cervantes, Molière, Racine, Milton, Dryden, and many other authors of immortal literature.

Casting off, at last, the shackles of mediaevalism, the European mind in the seventeenth century found wings and began to soar. Rising above the blanketing fog of obscurantism which had enveloped western thought since the decadence of the classical cultures, it heroically sought to gain the sunlit heights of rationalism. For the first time, almost, in twelve dismal centuries men began to explore the essence of things, not to vindicate ancient beliefs, justify existing institutions, or lend credence to partisan causes, but solely to arrive at ultimate truth and reality.

Could political thought escape the questing spirit of this light-seeking age? More completely, perhaps, than other learned disciplines, it did. Political thought is ever prone to be the handmaiden

of political causes. Nevertheless it is one of the shining glories of the seventeenth century that it fostered, more extensively than any previous century of the Christian Era, the awakening of the scientific spirit in political thought. As in all ages, there was no lack of partisan political thought in the seventeenth century. Hobbes and Locke and Milton were great political thinkers and made invaluable contributions to the political enlightenment of mankind, but they were all to some extent special pleaders—advocates devoted to the rationalization of causes. Contrast their approach to politics with that of Spinoza, who opened his *Political Treatise* with the announcement that he proposed “to investigate the subject-matter of this science with the same freedom of spirit as we generally use in mathematics,” and then added that he would labor carefully “not to mock, lament, or execrate, but to understand human actions” and would view human passions “such as love, hatred, anger, envy, ambition, pity, and other perturbations of the mind, not in the light of vices of human nature, but as properties, just as pertinent to it, as are heat, cold, storm, thunder, and the like to the nature of the atmosphere. . . .”

You do not encounter this attitude of scientific detachment in politics much before the seventeenth century, and none too much of it then. But the dispassionate Jewish philosopher did not stand alone. Of his noteworthy contemporaries there were many who adopted the same objective point of view. Especially conspicuous for this characteristic were Harrington and Pufendorf. These three—James Harrington, the English country squire; Benedict de Spinoza, the Amsterdam lens-grinder; and Samuel Pufendorf, the German university professor—we shall take as typical, in the realm of political thought, of the pure intellectualism of the seventeenth century. If not as to specific doctrines, certainly as to spirit and approach, these thinkers must be counted among the most influential forebears of modern political science.

II

By the logic of social status James Harrington should have been a hard-bitten Tory. By the logic of education and experience he should have been an uncompromising revolutionary. Actually he was neither. He was one of those rare mortals who in the thick of furious events can preserve the calm and even balance of the true

scientist. He wore no man's collar, bore no party label, championed no cause save that of truth, espoused no doctrine but that of reason.

Harrington was born at Exton, Rutlandshire, in January, 1611. He was descended from a long line of titled ancestors and numbered among his kinfolk many of the ranking peers of the time. In 1629 he was entered in Trinity College, Oxford, where he came under the tutelage of William Chillingworth, a renowned theologian and disputationist. Chillingworth, after having been converted from Protestantism to Romanism, had reasoned his way back to the Protestant fold and become a doughty champion of that schismatic faith. How greatly he influenced the unemotional Harrington is a matter of speculation. Apparently not much.

Before Harrington became of age his father died. Being the eldest son, he inherited the paternal estate and became economically independent. Leaving the university, he embarked on the conventional European tour of the English gentleman, visiting in course of his travels Holland, Flanders, Denmark, France, and Italy. In Holland, it is said, Harrington developed his first interest in public questions. The low countries were at the time convulsed in a great struggle for political and religious liberty. Harrington's English friends happened to be partisans of the Prince of Orange and he was frequently seen at the court of that embattled patriot. During his stay in Holland Harrington joined the Dutch army and is said to have served with valor in the field. However, he did not allow this politico-military interlude to arrest his travels long. In Italy he tarried long at Venice and became much interested in the Venetian system of government, which he afterward used in many respects for a model.

Returning to England, Harrington took up the active management of his estates. He became acquainted with Charles I and went occasionally to the royal court, but took no active part in public affairs, preferring apparently the rôle of a gentleman scholar. Charles developed a great affection for Harrington and solicited his advice. But Harrington declined to be drawn into the controversy between the King and Parliament. He made it plain that, although abstractly he preferred a republic to a monarchy, he was in this controversy entirely neutral. Owing to his neutrality and the fact that he was also known as a personal friend of the King, Harrington was

appointed as an attendant of Charles when he was brought from Newcastle in 1646 after his surrender and arrest. Thus Harrington became a groom of the King's bedchamber, but he did not swerve from his neutrality by a hair. Though he served the King loyally, he refrained from taking sides, and used his influence so far as possible to effect a compromise. On account of this he came under the suspicion of the anti-monarchists, and, when the King was transferred to Hurst Castle, Harrington was dismissed from his service. He assumed that his connection with the royal household was ended. But, when he went to say farewell to Charles upon the latter's removal to Windsor, the King, as Harrington prepared to kneel and take his leave, grasped the hand of the beloved servitor, drew him into the carriage, and insisted that he be taken along.

The wish was granted, and Harrington accompanied his royal master to Windsor. As a condition for remaining in the King's retinue, however, Harrington was required to take an oath that he would do nothing to help Charles escape. This he refused to do, feeling perhaps that such an oath would not only compromise his neutrality, but would force him to become a participant in the proscription of a personal friend. For this refusal Harrington was dismissed from the King's service and cast into prison; but General Ireton, one of the Puritan high command, promptly obtained his release. Harrington then returned to the King and was with him on the scaffold.

After the beheading of Charles I, Harrington retired to his estate and set to work upon his great book, *Oceana*. He took no part in politics or political controversy, but did hope that his book might exert some influence upon the formation of a system of government to succeed the monarchy. England was now free to choose whatever form of government she might think best; and Harrington's aim was to produce a treatise that would point the way to a governmental scheme founded upon sound principles. While the book was in the press, it was seized and condemned by agents of the Cromwellian junta. Harrington secured its release by appealing to Cromwell's daughter, to whom he explained that the book was not a treasonable document but a political romance and would be dedicated to Cromwell himself. It was published in 1656, and was widely read and discussed. But it won no great favor with any party or faction. It did not suit the Royalists, because it advocated

a republican form of government; it did not suit the Puritans because it did not sufficiently vindicate the Commonwealth. Harrington devoted the remainder of his life to the task of popularizing the ideas set forth in his book. In 1659 he and some of his friends formed the Rota Club to push his views as to the rotation of magistrates and election by ballot. This organization was disbanded by the Restoration government. Harrington also wrote an abridgement of the book and a number of tracts and articles explaining and defending its doctrines.

When the Restoration brought Charles II to the throne, Harrington again took refuge in his study. But suspicion had marked him for a victim. The King or some one close to him had a notion that the author of *Oceana* was plotting against the government. In 1661 Harrington was arrested on the charge of treason and taken to the Tower. No formal accusation was made, and he was never brought to trial. His sister instituted *habeas corpus* proceedings in his behalf, and to avoid the service of the writ the King had Harrington secretly transferred to the island of St. Nicholas opposite Plymouth. Mistreatment incidental to this incarceration impaired his health; and he became temporarily insane. Charles then magnanimously restored him to his family; but Harrington never fully recovered his faculties. He died at Westminster in 1677 at the age of 66.

III

James Harrington is a one-book genius. His reputation and influence rest entirely upon the *Oceana*. Politics was the only field of scholarship that he specially cultivated, and *Oceana* was his *magnum opus*. His other writings were little more than commentaries on his first and greatest work. But the *Oceana* is truly a great book and well deserves the attention of the modern student of political thought. Harrington correctly described it as a political romance. However, taste in romantic writing has materially changed since Harrington's day, and the modern reader is apt to find the *Oceana* rather forbiddingly tedious. We read the book to-day for the remarkably acute and fertile political ideas with which it is packed from cover to cover.

The plan of the book is simple. It is divided into five sections. The first, called "The Preliminaries" contains the philosophical arguments upon which the subsequent fictions are predicated.

This is the most important part of the book for the modern reader. The second section, called "The Council of Legislators," is a brief account of the composition and procedure of the constituent body which framed the constitution of the imaginary Commonwealth of Oceana. The third section, entitled "The Model of the Commonwealth of Oceana," is a prolix analysis of the constitution of Oceana in the form of narrative setting forth the debates and determinations of the fictitious Council of Legislators. The fourth section, styled "The Corollary," is the story of how the constitution of Oceana was proposed and adopted and of the auspicious inauguration of the new government. The last section, called "Description of Oceana" is a short postscript depicting the unexampled felicity and prosperity of Oceana under her ideal government.

Oceana was England—England governed according to the dictates of sound principle and right reason, as conceived by the calm and lofty mind of the eminent Mr. Harrington. That is why the book aroused so much interest. The characters of the romance bore fictitious names, but they were personages taken from English public life both past and contemporary. Harrington's nomenclature was but a thin disguise, and was intended so to be. Every one knew that Olphaus Megalctor, the Lord Archon, was Oliver Cromwell; that Leviathan was Hobbes; Verulamius, Francis Bacon; Morpheus, James I; Corannus, Henry VIII; Parthenia, Queen Elizabeth; and so on through the list. In the guise of fiction Harrington had rewritten the history of his country and given it a new and challenging interpretation. More than that, he had cast a horoscope of its future, were certain principles and ideals followed in the construction of the new political edifice. Would the bigwigs of the Revolution (especially Cromwell) take up these suggestions and try to make an Oceana out of a sadly buffeted England? No, they would not. But whether or no, the Harrington book had to be read and discussed by all who made any pretense of sophistication. It offered not only a philosophy but a program. And neither its philosophy nor its program was too visionary for practical minds.

The gist of Harrington's political philosophy is quickly grasped. It is the Aristotelian idea of economic balance. Not the tyrannies of the monarch, the corruptions of the court, the oppressions of the ruling caste, the contumacy of the people, or the rivalries of reli-

gious sects were, in Harrington's opinion, the fundamental causes of the intestine disturbances of the English state, but a change in the balance of property. "Domestic empire is founded upon dominion. Dominion is property, real or personal; that is to say, in lands, or in money and goods. Land, or the parts and parcels of a territory, are held by the proprietor or proprietors, lord or lords of it, in some proportion; and such . . . as is the proportion or balance of dominion or property in land, such is the nature of the empire."¹ Upset this proportion or balance, and you precipitate serious, if not violent, disturbances in the state.

Developing this thesis, Harrington classifies states according to the distribution of lands. "If one man be the sole landlord of a territory, or overbalance the people . . . he is grand signior . . . and his empire is absolute monarchy. If the few or a nobility, or a nobility with the clergy, be landlords, or overbalance the people to the like proportion, it makes the Gothic balance . . . and the empire is mixed monarchy. . . . And if the whole people be landlords or hold the lands so divided among them that no one man, or number of men, . . . overbalance them, the empire . . . is a commonwealth."² The law fixing the balance in lands, Harrington says, "is called the agrarian . . . and is of such virtue that wherever it has held, that government has not altered, except by consent. . . . But without an agrarian [law], government, whether monarchical, aristocratical, or popular, has no long lease."²

Harrington emphasized the agrarian balance because England was then an agricultural country with the bulk of its wealth in land. But he extended the doctrine of economic balance to non-agricultural states as well, saying, "in such cities as subsist mostly by trade, and have little or no land, as Holland and Genoa, the balance of treasure may be equal to that of land in the cases mentioned."³

Make no mistake about it, Harrington avers; the true basis of stable and enduring political authority will be found in a proper distribution of wealth. To substantiate the point he summons the testimony of the great political pundits of the past, notably Aristotle and Machiavelli, whom he regards as the best authorities. For seventeenth-century England, indeed for seventeenth-century

¹ *Oceana* (World's Greatest Literature, 1901), Vol. xxxii, p. 186.

² *Ibid.*

³ *Ibid.*, p. 187.

Europe, this doctrine of economic balance was a new departure in political thought. Men had ceased to think of political institutions in terms of economic reality. For the ultimate bases of political authority some had turned to divine right, others to various forms of covenant or social contract, still others to military force. All these Harrington declares false and misleading. You may set up a state on any basis you choose, but unless you make it conform to the economic balance it "is but of short continuance, because against the nature of the balance, which, not destroyed, destroys that which opposed it." ¹

For the ideal state, then, we must find the ideal balance of economic forces, for "The perfection of government lies upon such a libration in the frame of it, that no man or men in or under it can have the interest, or, having the interest, can have the power to disturb it with sedition." ² This ideal can be attained, says Harrington, only by the establishment of an "equal commonwealth," which, according to his description is one in which there is an equal and perpetual agrarian law, "establishing and preserving the balance of dominion by such a distribution, that no one man or number of men, within the compass of the few or aristocracy, can come to overpower the whole people by their possessions in lands," ³ and in which there is equal rotation in the super-structure of government so that succession to magistracy is conferred "for such convenient terms, enjoying equal vacations, as take in the whole body by parts, succeeding others, through the free election or suffrage of the people." ³ Of all then existing states, thought Harrington, Venice came closest to the ideal, but she had not arrived at the full perfection of equality "because her laws supplying the defect ⁴ of an agrarian are not so clear nor effectual at the foundation, nor her superstructures, by the virtue of her ballot or rotation, exactly librated. . . ." ⁵

But an equal commonwealth does not imply equalitarianism. Far from it. The equality is in the balance of economic forces, not in the distribution of land or wealth among individuals. A government "of the people, by the people, and for the people"; a levelling government, which would secure equal privileges and

¹ *Ibid.*, p. 186.

² *Ibid.*, p. 202.

³ *Ibid.*, p. 205.

⁴ I.e., substitute. Venice, being a commercial state with little domain, could have no agrarian law.

⁵ *Ibid.*, p. 206.

possessions for all men, was the very antithesis of the Harrington idea of an equal commonwealth. The foundation of such a commonwealth would be unbalance, or rather overbalance. For Harrington was a believer in natural aristocracy. Take twenty men, says he, and form them into a commonwealth. They can never associate in such a way but that differences between them will crop out. Some will be abler than the rest in this, that, or the other particular. Some will have greater wisdom, greater capacity for leadership, greater energy, superior qualities in many other respects. These will constitute a natural aristocracy, and should be so recognized in the composition of the state. Should the aristocracy be overbalanced by those of inferior qualifications the basis of government is unsound. The true secret of balance is to recognize the natural inequalities of men and so adjust their mutual relationships as to secure a perfect equation of natural qualities and forces. Upon this basis the institutions of government should be erected.

How to do this? Look first to the agrarian law, or distribution of wealth. It should serve and protect the interests of both the few and the many. For the Commonwealth of Oceana, Harrington proposed a scheme to prevent overconcentration of wealth while at the same time permitting the accumulation of substantial fortunes. Primogeniture was to be abolished. No man was to be allowed to bequeath or inherit an estate exceeding the revenue of 2,000 pounds a year, or to accumulate in his lifetime an estate exceeding the same annual revenue. Under this plan, he reasoned, it would be impossible for the few to accumulate enough to overbalance and oppress the many, and unlikely that the many would have any incentive to combine and dispossess the few.

To maintain and perpetuate this happy economic balance Harrington recommended a system of government accurately reflecting the economic balance and periodically shuffling the cards of authority so as to preclude the use of power to disturb or upset the established balance. The imaginary government of Oceana consisted of "the Senate debating and proposing, the people resolving, and the magistracy executing, by an equal rotation through the suffrage of the people given by the ballot."¹ The Senate was composed of representatives of the "equestrian class," i.e., citizens having an

¹ *Ibid.*, p. 205.

income of 100 pounds a year or more; the People was an assembly made up of representatives of all classes. The function of the Senate was to initiate, debate, and propose measures to the People; the function of the People was to receive measures proposed by the Senate and conclusively resolve and decide. The Senate and the People together possessed the sovereign power of Oceana, but only when acting jointly. The People alone could initiate nothing; the Senate alone could decide nothing. The members of both bodies were chosen by an intricate and highly selective series of elections by lot and by ballot. The chief magistrates, of whom there were six (one for each major phase of public administration), were elected by the Senate. In addition there were four great councils serving partly as administrative and partly as advisory bodies. Provision was made for annual, biennial, triennial, and extraordinary elections to fill vacancies in public office. Terms of office were limited, and in many cases the terms were overlapping. Continued incumbency by one person in a single office was also restricted. Almost continuous rotation of the official personnel was therefore the rule.

IV

No such utopian fantasy as the Commonwealth of Oceana could hope to conquer the practical imagination of Oliver Cromwell. That Harrington supposed it possible and wrote it for that purpose simply testifies that, great though he was as a political theorist, he was no man of affairs. He had a philosophy and a program, both of which lay in the bounds of actual attainment, but not in his time. Revolutionary leaders and revolutionary governments are generally too preoccupied with the desperate business of holding on to power to dally with millennial experiments. Harrington's book stirred up a lot of interest in intellectual circles, but practical men ignored it, save when they thought it seditious. Such is the way of political philosophies, and also of practical men.

But political philosophies have a way of living long after the practical men who ignore them are gathered to their fathers. Their fruits do not ripen immediately but are preserved oftentimes to a long and unending future. The theorist of to-day is very apt to be the guide of to-morrow's men of action. Harrington was such a theorist. The dream-born Commonwealth of Oceana still reposes

between the covers of his book, but many of the ideas and principles he wove into his dream have been translated into reality and are extant in the world to-day as living political institutions. Harrington has been preserved from oblivion, says Dunning, "only by the appreciation of a small circle of readers. Yet to the few who have got to the essence of Harrington's thought it has been very rich in practical suggestions; and so it happens that the actual institutions in which the commonwealth idea has been realized in England and America present a remarkably large aggregate of resemblances to the establishments of *Oceana*." ¹

Harrington was not the originator of the doctrine of economic determinism, did not profess to be. He ascribed it to earlier political thinkers and gave them due credit, especially Machiavelli and Aristotle. Nevertheless it may be truthfully stated that Harrington brought this ancient idea out of a long slumber and gave it renewed vigor and viability. As Parrington says, "The influence of the *Oceana* upon later political thinkers was profound. In grasping and applying the principle of the economic interpretation of history Harrington laid the foundation of modern political theory." ² The quotation does not overstate the fact. The *Oceana* supplied foundational ideology for a distinguished company of later political thinkers. Locke owed much to Harrington, as did Montesquieu, Hume, Burke, and other European publicists of the eighteenth and nineteenth centuries. In America John Adams and Daniel Webster were acknowledged disciples of Harrington, and all who belonged to their school of thought drew inspiration directly or indirectly from the same source.

Constitutional practice as well as political thought from, say, 1750 to 1850, showed the influence of the *Oceana* to a pronounced degree. Voting and officeholding were everywhere made contingent upon the ownership of property (usually land), and governmental structures were contrived to weight the participation of individuals and classes in proportion to economic interest. This stake-in-society principle was destined to be swept aside by the onrush of equalitarianism and universal suffrage following the French Revolution. But political democracy did not bring eco-

¹ W. A. Dunning, *A History of Political Theories from Luther to Montesquieu* (1905), pp. 253-254.

² V. L. Parrington, *The Colonial Mind* (1927), p. 269.

conomic democracy. The economic balance in the Machine Age went against the common man; and governments, though democratic in form, were actually dominated by the "interests." As though to vindicate Harrington's thesis, the history of these governments has been a story of storm and travail; and the twentieth century now beholds a world-wide movement to achieve a stable balance in economic life and redesign governmental structures to conform thereto. The twentieth century expresses its objectives in such terms as "occupational representation," "economic parliaments," "corporative commonwealths," "controlled capitalism," or "planned economy"; but its ultimate goal is the same that Harrington sought in the Commonwealth of Oceana—economic equilibrium worked out in political patterns.

Various other ideas to which Harrington gave utterance have been tremendously influential in the political masonry of the last two centuries. He crudely shadowed forth the principle of separation of powers, which as developed by Locke, and more especially by Montesquieu, became the cornerpost of American political science. The complementary idea of checks and balances, which became an unquestioned axiom of American political doctrine, was taken by John Adams and other publicists of the patristic period almost verbatim from the *Oceana*. The conception that liberty can be maintained only where there is a government of laws and not of men is likewise derived from Harrington, who laid that down as a fundamental apothegm in "The Preliminaries" and returned to it again and again throughout the book. The idea of limited tenure and rotation in office, so eagerly seized by the paladins of democracy and so widely used in democratic governments, was one of the outstanding features of the Commonwealth of Oceana. So was the principle of the secret ballot, virtually unheard of in Harrington's day, but now in common use throughout the world.

The small circle of readers, who, according to Dunning, have saved the philosopher of Exton from oblivion, were engaged in no missionary enterprise. They read Harrington's book because of its abundant wealth of ideas, most provocatively stated and cogently argued. What they found in the *Oceana* they propagated with enthusiasm and persistence, because they were convinced by what they read. All of which points to no moral save that a political theorist may be fortunate in writing for an appreciative circle of

intelligentsia rather than producing syndicated fodder for the half-literate masses.

V

In ranking philosophical writers according to their contributions to the liberation of the human mind one would have to give a high place to the renegade Jew, Baruch, or (as he rechristened himself) Benedict, de Spinoza. This remarkable genius was born at Amsterdam on November 24, 1632, of parents who had fled from Portugal to The Netherlands in order to escape the persecutions of the Catholic Church. Of a moderately prosperous merchant family which stood high in the Jewish community of Amsterdam, Baruch was early put to school under rabbinical tutors. Through these teachers he acquired a thorough familiarity with the Talmud and the philosophical writings of the leading scholars of Jewry. To get beyond this limited field it was necessary to learn Latin, which was not included in the Jewish educational scheme. After picking up the elements of Latin grammar from various sources, Spinoza became a pupil of the brilliant but erratic Franz van den Ende, a physician who supplemented a precarious professional income by taking students in Latin. Van den Ende taught Spinoza Latin and a good deal besides. Excellent Latinist though he was, his major intellectual passion was for the natural sciences, which he approached from a definitely materialistic point of view. From this heretical tutor, who was finally hanged in Paris as a conspirator, Spinoza gained his first introduction to the kingdom of scientific thought.

With Latin as a key the eager-minded Jew could now unlock the whole treasury of philosophy and science. He promptly attacked and devoured the writings of Descartes, and forthwith decided to be done with rabbinical theology. The synagogue saw him ever more seldom, and finally not at all. Soon he was counted an apostate, and by some an atheist. The fathers of Israel decided that something ought to be done about it, and summoned him before the authorities of the congregation for examination. Failing to secure a recantation, yet wishing to avoid damaging publicity, the orthodox leaders of the Jewish community offered Spinoza an annual pension of 1,000 florins if he would keep his thoughts to himself, make a show of conformance, and occasionally appear in the

synagogue. It was a fair proposition for a man who cared more for comfort than truth, but Spinoza was not that sort of Jew. Like many of his race, he was of the martyr breed which can be neither bought nor intimidated. He stood fast on his convictions, and, with solemn curses pronounced against him, was expelled from the society of his people. This was on July 27, 1656.

For certain violent brethren, however, mere excommunication of the offending member was not enough. They determined, in modern gangster style, to "take him for a ride." Pouncing on him one evening as he was leaving the Portuguese synagogue, they nearly accomplished their purpose. Fortunately the dagger missed its mark; and Spinoza escaped and took refuge with a Christian friend who lived some distance outside the city. This friend belonged to the Arminian sect called Collegiants, then under the ban of the dominant Gomarists. In this simple community Spinoza took up his residence and continued his studies. Because official and professional careers were closed to Jews, it was the custom for every Jewish youth of that time to be taught a skilled trade. Spinoza had learned the craft of lens-grinding and was highly proficient in it. So when his means of livelihood were cut off by expulsion from Jewry, he took up the trade of lens-grinding and by it supported himself to the end of his life. His special skill was in grinding lenses for optical instruments, which were in great demand; and since the market for his skill was unimpaired by his heretical ideas, he had no difficulty in earning an income sufficient for his modest needs. Soon after joining the Collegiant brotherhood, he decided to sever all connection with Judaism and thereupon changed the Hebrew praenomen Baruch to the Latin equivalent Benedictus, signing himself Benedict de Spinoza.

Following his excommunication Spinoza devoted himself to a period of intense thought and study. A small group of kindred spirits gathered about him and he gradually became the leader of a school of thought. Finding himself unable to go along with Descartes, he had slowly rejected the Cartesian philosophy and evolved a system of his own. When the Collegiant brotherhood removed to the vicinity of Leyden, Spinoza went with them, continuing his lens-grinding and his philosophical studies. In a limited circle he had by this time become a scholar of note and carried on an extensive correspondence in which he exchanged ideas with

friends of similar interests. Slowly and critically all the while he continued the construction of his system of thought, seeking neither eminence nor fame. But his reputation grew despite his retiring modesty. Various things that he had written were shown to friends and widely talked about, though withheld from publication. In 1663, at the request of his friends, he prepared and published an essay on certain aspects of Descartes' philosophy. This faintly bodied forth his own system of doctrine and drew much attention. Having won the friendship of influential patrons at The Hague and desiring to effect the publication of his works under favorable auspices, Spinoza moved in 1663 to Voorburg, a village about two miles from the capital. Unhurried, he continued work on the *Ethics*, which was to be main axis of his system.

It was while in residence at Voorburg that Spinoza wrote and published his first and most famous political dissertation—the *Tractatus Theologico-Politicus* or, in English, the *Theologico-Political Treatise*. The book was issued anonymously and the printer and place of publication were also concealed. Soon after its appearance in 1670 the book had the custodians of the sacred cows running for their guns. It was an eloquent and powerfully reasoned plea for liberty of thought and speech, which was a thing the good people of church and state did not approve at all. In 1671 it was officially damned by the synod, and in 1674 it was banned by the states-general of Holland. Finally it gained the supreme accolade of all free-thinking books; it was placed on the Index Expurgatorius of the Roman Catholic Church. Thus assured of a wide circulation, the book went through a long series of bootleg editions and enormously added to the prestige of its author, who was known despite the fact that his name did not appear on the title page or anywhere in the volume.

Shortly after the publication of the *Theologico-Political Treatise* Spinoza moved into The Hague and took humble lodgings which he occupied until his death in 1677. There he lived simply and frugally, spending most of his time in study and writing. His spreading renown attracted many eminent visitors, whom he received cordially, but did not allow to draw him from his retreat. In religion he was beyond the pale of any church; in politics he professed to be republican; but he studiously refrained from direct participation in controversial matters. His reputation had grown so great,

regardless of the fact that his major philosophical works were still unpublished, that in 1673 he was invited to occupy the chair of philosophy at the University of Heidelberg and was assured that he would be allowed the utmost freedom of speech. Knowing, however, that he could not fully preserve his independence in such a position and that it would limit his time for research, he declined the offer. In 1675 he took steps to publish his *Ethics*, but immediately the report got about that he was putting out a book to prove there was no God. A great commotion ensued; and Spinoza, feeling that nothing would be gained by publication under such circumstances, relegated the manuscript to his files where it was found after his death. The last literary work he undertook was the *Tractatus Politicus*, or *Political Treatise*, which remained unfinished at his death.

For some years Spinoza had been a victim of tuberculosis, but had continued his labors despite constant ill health. His condition was not deemed alarming, however, and when he suddenly passed away on February 20, 1677, his friends were shocked by the suddenness of the event. It was indeed a tragedy, for he was a young man, only 44 years of age. With loving care his manuscripts were gathered and published, and then for the first time the world perceived the full gigantic stature of Spinoza's intellect. But it did not approve. A century was to pass before the reproaches of atheism abated sufficiently to permit a true appreciation of his work.

VI

Our concern here is with the political thought of Spinoza, which, though different, is distinguished by the same intellectual integrity which characterized his metaphysical speculations. Spinoza, says Edward Caird, "exhibits to us the almost perfect type of a mind without superstitions, which has freed itself from all but reasoned and intelligent convictions . . . ; and when he fails, it is not by any inconsistency, or arbitrary stopping short of the necessary conclusions of his logic, but by the essential defect of his principles."¹ This quality is abundantly manifest in his two essays on government.

The *Theologico-Political Treatise* was written, according to its sub-title, to show that freedom of thought and speech not only may

¹ *Encyclopaedia Britannica* (11th ed.), Vol. v, p. 421.

be granted without prejudice to piety and public peace, but may not be withheld without danger thereto. The high and mighty may be defeating their own ends when they suppress freedom of thought and speech, but they dislike to be reminded of it. For men really never want to stamp out intellectual liberty until they have reached an emotional state in which they crave the vengeful satisfaction of striking at a hated thing regardless of consequences. It is a fact that Spinoza was not the first nor yet the last to demonstrate, a fact fully attested by the history of seditions and heresies since the earliest dawn of political society, that repression is irrational and futile. But it is a lesson that repressers never learn, because, until passion has dethroned reason, they do not become repressers.

This explains the outburst of wrath and denunciation that greeted Spinoza's superlatively reasoned appeal for freedom of thought and speech; and explains also the stupid endeavors to silence it by means of the very stupidities it had exposed. The bigwigs of politics and religion were wroth; they wanted to hit something, as men mad with rage usually do. That suppression and persecution could not stamp out the hated heresies and might give them even wider currency did not matter. It was the emotional satisfaction of hitting back that they craved, even more than the quelling of repugnant ideas.

The modern reader will find much of interest in the *Theologico-Political Treatise*. It has been called the "first document in the modern science of Biblical criticism,"¹ and is too modern for most Christian sects even to-day. Spinoza set out to show that religion has to do with matters wholly outside the realms of science and philosophy, and hence can assert no rightful authority in those spheres; also that religion cannot be endangered by liberty of thought and speech in scientific and philosophical matters, because the business of religion is not with intellectual certainty, but with the inculcation of divine character in human lives. To demonstrate this thesis he made an exhaustive analysis of the Bible, particularly the Old Testament, striving to dispel the multitude of superstitions that generations of ecclesiastics had read into or out of the Scriptures, and showing, as he stated in the preface, "that the Word of God has not been revealed as a certain number of books, but was

¹ *Ibid.*, Vol. xxv, p. 690.

displayed to the prophets as a simple idea of the Divine mind, namely, obedience to God in singleness of heart, and in the practice of justice and charity. . . .”¹ Nothing in the Bible, as Spinoza read its pages, was repugnant to rationalism, and he became convinced “that the Bible leaves reason absolutely free, that it has nothing in common with philosophy, in fact, that Revelation and Philosophy stand on totally different footings.”¹

It is difficult to see how any true Christian could quarrel with this position. But remember that Spinoza, with a single stroke, had brushed aside the pet superstitions of the professional religionists of all sects, and had said, moreover, that “superstition’s chief victims are those persons who greedily covet temporal advantages. . . .”² No wonder the clergy turned their Big Berthas against the *Theologico-Political Treatise* and had it banned from legitimate circulation. It shed too much light in comfortably dark places.

When Spinoza came to face the problem of state interference with liberty of thought and speech, he was on different ground. In politics there was no authentic Word to be interpreted. It was necessary to get down to the essence of things and see by what canons of principle and reason, if any, state interference with intellectual freedom might be justified. Spinoza attacked the problem by examining first the foundations of the state. As a scientist should, he began with an inquiry into the essential nature of human existence on this planet. Was there a prepolitical state of nature, bestial or idyllic, from which the original rights of man might be deduced? Why bother with such romantic myths? The one unquestioned and undeniable right of man—inherent and inalienable, if you please—is the right of self-preservation. Postulate this and you have a sufficient foundation for a rational system of political thought.

Self-preservation, says Spinoza, is the sovereign right of every individual. “We do not here acknowledge any difference between mankind and other individual natural entities, nor between men endowed with reason and those to whom reason is unknown; nor between fools, madmen, and sane men. Whatsoever an individual does by the laws of its nature it has the sovereign right to do, inasmuch as it acts as it was conditioned by nature, and cannot

¹ *Works of Spinoza* (Elwes Ed., 2 vols., 1887), Vol. i, p. 9.

² *Ibid.*, p. 4.

act otherwise. Wherefore among men, so long as they are considered as living under the sway of nature, he who does not yet know reason, or who has not yet acquired the habits of virtue, acts solely according to the laws of his desire with as sovereign a right as he who orders his life entirely by the laws of reason."¹

But that is not the whole story by any means. Though men are born in ignorance and have to learn the right way of life, meanwhile preserving themselves as best they can by blind impulse, yet experience teaches and reason affirms the interdependence of nature as a whole, and even more emphatically, the interdependence of men themselves. This, however, is a fact that men have to learn. Nature bids every man live securely and beyond the reach of fear, and "there is no one who is not ill at ease in the midst of enmity, hatred, anger, and deceit, and who does not seek to avoid them as much as he can."² Without mutual assistance and the aid of reason this is most difficult. Thus men came to perceive that if they wish to enjoy to the fullest extent the freedom which is their natural heritage, they must so unite that "their life should be no more conditioned by the force and desire of individuals, but by the power and will of the whole body."² Impelled by this desire and need for union, men enter into social life and become bound by the social compact—not, however, by the Hobbesian compact to establish the leviathan state or the Lockean compact to establish the emasculated state. Spinoza's compact is quite different. It is a compact "made valid by its utility, without which it becomes null and void."³ It is foolish, says the ever-rational Spinoza, to expect or require a man to keep a compact that does him more harm than good, or to keep a compact when the violation of it does him less harm than good. "This consideration should have great weight in forming a State."³

The aim of the social compact, then, should be a state in which each man, or at least the great majority of men, will have more to gain than lose. A body politic formed on this basis violates no natural right, and the covenant can always be strictly maintained. Such a state will have natural and rightful dominion over its members, and will be justified in compelling them to obey "under pain of severest punishment."⁴ In entering the compact the members have acted as reason and necessity required, and are obliged to obey

¹ *Ibid.*, p. 201.

² *Ibid.*, p. 202.

³ *Ibid.*, p. 204.

⁴ *Ibid.*, p. 205.

the sovereign or become public enemies. Having chosen the social compact as the least of two evils, the individual is bound to stand by it. There is little likelihood that the sovereign, under the circumstances, will persistently impose irrational commands; it can enforce its commands only so long as the people acquiesce, which will be only so long as the utility of the compact is preserved.

Having followed Spinoza thus far in his analysis of political fundamentals, one wonders how he is going to provide for freedom of thought and speech. For, under his utilitarian social compact, how can there be any individual right to stand against the communal will which, for the greater good of all, all must obey?

Never fear, Spinoza has a way out of the difficulty. It is this: The social compact is merely an ideal, never fully attainable in mundane affairs. As an actual fact no one ever does or can wholly transfer his power and rights to the sovereign. He could not if he would, for then he would cease to be a man. Hence, there can never be "a power so sovereign that it can carry out every possible wish. It will always be vain to order a subject to hate what he believes brings him advantage, or to love what brings him loss, or not to be offended at insults, or not to wish to be free from fear, or a hundred other things of the sort, which necessarily follow from the laws of human nature. So much, I think is abundantly shown by experience: for men have never so far ceded their power as to cease to be an object of fear to the rulers who have received such power and right; and dominions have always been in as much danger from their own subjects as from external enemies." ¹

One thing the sovereign can never control is the mind of man. "If men's minds were as easily controlled as their tongues, every king would sit safely on his throne, and government by compulsion would cease; for every subject would shape his life according to the intentions of his rulers, and would esteem a thing true or false, good or evil, just or unjust, in obedience to their dictates." ² But a man cannot abdicate his reason even with his own consent, for reason remains despite all attempts to surrender it. Since men cannot be made to think according to the dictates of the sovereign power, it is folly to try to make them speak according to such commands. Men who think will speak their thoughts regardless of prohibitions, and in such fashion as to produce disastrous results. It is not

¹ *Ibid.*, p. 214.

² *Ibid.*, p. 257.

a question of the right of the state to control their speech, but of the wisdom of it. The purpose of government "is not to rule, or restrain, by fear, nor to exact obedience, but contrariwise, to free every man from fear, that he may live in all possible security; in other words to strengthen his natural right to exist and work without injury to himself and others."¹ Government which stifles free speech, by that act denies its *raison d'être*.

Liberty of speech does not, however, imply liberty of action. Spinoza is emphatic on this point. Though it is evident that "complete unanimity of feeling and speech is out of the question, it is impossible to preserve peace, unless individuals abdicate their right of acting entirely on their own judgment. Therefore the individual justly cedes the right of free action, though not of free reason and judgment; no one can act against the authorities without danger to the State, though his feelings and judgment may be at variance therewith; he may even speak against them, provided he does so from rational conviction, not from fraud, anger, or hatred, and provided that he does not attempt to introduce any change in his private authority."¹ Not all opinions and utterances can be thus sharply separated from actions. This Spinoza freely admits, saying that opinions which "by their very nature nullify the compact by which the right of free action was ceded,"¹ must be regarded as seditious. But this admission is followed by the following credo:

"If we hold to the principle that a man's loyalty to the State should be judged, like his loyalty to God, from his actions only—namely, from his charity towards his neighbours; we cannot doubt that the best governments will allow freedom of philosophical speculation no less than of religious belief. I confess that from such freedom inconveniences may sometimes arise, but what question was ever settled so wisely that no abuses could possibly spring therefrom? He who seeks to regulate everything by law, is more likely to arouse vices than to reform them. It is best to grant what cannot be abolished, even though it be in itself harmful. How many evils spring from luxury, envy, avarice, drunkenness, and the like, yet these are tolerated—vices as they are—because they cannot be prevented by legal enactments. How much more then should free thought be granted, seeing that it is in itself a virtue and that it cannot be crushed! Besides, the evil results can easily be checked, as I will show, by the secular authorities, not to mention that such freedom is absolutely necessary for progress in science and the liberal arts:

¹ *Ibid.*, p. 260.

for no man follows such pursuits to advantage unless his judgment be entirely free and unhampered.”¹

The unfinished *Political Treatise* was undoubtedly planned as a systematic and comprehensive critique of political science. The plan of the work, as outlined by Spinoza in a letter to a friend, was to begin with the subject of natural rights and from that point of departure work through the problems of sovereignty, political objectives, forms of government, and legislation. The untimely death of the author prevented the execution of this design, and his illness during most of the time he was at work on it prevented more than a sketchy treatment of the chapters he was able to draft. Nevertheless there is enough in the *Political Treatise* to give a fair idea of Spinoza's political thought, especially when amplified by the *Theologico-Political Treatise* which it was intended to fulfill.

Spinoza opens the *Political Treatise* with a pungent criticism of the point of view customarily adopted by political philosophers and theorists, who, says he, “conceive of men, not as they are, but as they themselves would like them to be. Whence it has come to pass that, instead of ethics, they have generally written satire, and that they have never conceived a theory of politics, which could be turned to use, but such as might be taken for a chimera, or might have been formed in Utopia, or in that golden age of the poets when, to be sure, there was least need of it. Accordingly, as in all sciences, which have a useful application, so especially in that of politics, theory is supposed to be at variance with practice; and no men are esteemed less fit to direct public affairs than theorists or philosophers.”²

Insisting upon absolute, stark realism as the starting point, Spinoza announced that he was “resolved to demonstrate by a certain and undoubted course of argument, or to deduce from the very condition of human nature, not what is new and unheard of, but only such things as agree best with practice.”³ Statesmen, he pointed out, had written far more happily on politics than philosophers. They took experience for their mistress and taught nothing inconsistent with practice. Justly, perhaps, might they be accused of being more crafty than learned and even of plotting against mankind, but that did not alter the fact that they had come closer to truth than philosophers. “No doubt nature has taught them, that

¹ *Ibid.*, p. 261.

² *Ibid.*, p. 287.

³ *Ibid.*, p. 288.

vices will exist, while men do"; hence they have made a specialty of the art of anticipating and capitalizing human weaknesses.

The fundamental fact of politics is that "men are so situated that they cannot live without some general law."¹ This results from the nature of man and the nature of the environment in which he is placed. The power whereby these things be, is the very power of God himself; whence it follows that every natural thing or operation is intrinsically right. Reverting then to the concepts set forth in the *Theologico-Political Treatise*, Spinoza repeats the demonstration that natural right is the right to be or do whatever is consonant with the laws of nature. Ignorance, stupidity, passion, and desire, as well as reason and virtue, are parts of nature, and hence must be accounted parts of natural right. It is also a part of nature that men should strive to preserve themselves, better themselves, achieve greater security and liberty. Instinct and reason both teach them that these objects may be best attained in organized society. Hence, the state; which is also based on natural right.

Between the state and the individual, then, there is no debatable ground. In so far as the individual is unable, pursuing his own impulses and reason, to safeguard himself and advance his own welfare, the state has rightful authority over him. Many coming together and uniting their strength, have more natural power, and hence more natural right, than each separately. Conversely, men sundered by hatred and violence have each less natural power and therefore less natural right than men united in the bond of statehood. This greater right of the organized multitude is called dominion. Since "every citizen depends not on himself, but on the commonwealth, all whose commands he is bound to execute, and [he] has no right to decide, what is equitable or iniquitous, just or unjust. But, on the contrary, as the body of the dominion should, so to speak, be guided by one mind, and consequently the will of the commonwealth must be taken to be the will of all; what the State decides to be just and good must be held to be so decided by every individual. And so, however iniquitous the subject may think the commonwealth's decisions, he is none the less bound to execute them."²

Is not the political state, then, contrary to reason? No, replies Spinoza; the state is reason magnified. The highest reason impels

¹ *Ibid.*

² *Ibid.*, pp. 302-303.

men to enter the commonwealth; sound reason dictates that it be maintained; "reason altogether teaches to seek peace, and peace cannot be maintained, unless the commonwealth's general laws be kept unbroken. And so, the more a man is guided by reason, that is, the more he is free, the more constantly he will keep the laws of the commonwealth, and execute the commands of the supreme authority whose subject he is. Furthermore, the civil state is naturally ordained to remove general fear, and prevent general sufferings, and therefore pursues above everything the very end, after which every one, who is led by reason, strives, but in the natural state strives vainly. Wherefore, if a man who is led by reason, has sometimes to do by the commonwealth's order what he knows to be repugnant to reason, that harm is far compensated by the good, which he derives from the existence of a civil state. For it is reason's own law, to choose the less of two evils; and accordingly we may conclude, that no one is acting against the dictate of his own reason, so far as he does what by the law of the commonwealth is to be done." ¹

What a perfectly monstrous doctrine! cries the apostle of liberty. It is sheer absolutism, no less. Spinoza is worse than Hobbes, his logic more subtle and relentless. Away with him! But wait. The state *can* do wrong, Spinoza says. It does wrong when it violates reason. "For were the commonwealth bound by no laws or rules . . . we should have to regard it not as a natural thing, but as a chimaera." ² The commonwealth is founded in reason; its reason for being is to allay fear and bestow liberty, to enable men to enjoy life more abundantly; when it goes into reverse, disregards the reason of its existence, it ceases to be a commonwealth. "For the person or persons that hold dominion, can no more combine with the keeping up of majesty the running with harlots drunk or naked about the streets, or the performances of a stage-player, or the open violation or contempt of laws passed by themselves, than they can combine existence with non-existence." ² But the redress of wrongs perpetrated by the state "pertain not to civil jurisprudence, but to the law of nature, since they cannot be vindicated by the civil law, but by the law of war." ² In other words, the appropriate remedy for wrongs of state is revolution. Successful revolution is its own vindication; it is one with natural law and natural right.

¹ *Ibid.*

² *Ibid.*, p. 310.

Spinoza did not advocate revolution or attempt to furnish ethical justification for it. To him it was merely a natural phenomenon—the inevitable consequence of the state's failure to follow those laws of nature which make for the stability and survival of states. If those holding dominion in the commonwealth choose to disregard the laws of nature in respect to sovereignty, they are the authors of their own destruction, just as the man who swallows strychnine, whether in ignorance of its qualities or not, is the author of his own fate. A man who wishes to survive and prosper must obey the laws of nature; so also must a state.

There are good commonwealths and bad ones in Spinoza's opinion, but no ideal ones. The best commonwealth is the one which is so founded and conducted as to assure its subjects "the utmost self-preservation."¹ Sedition, lawlessness, and injustice "are not so much to be imputed to the wickedness of the subjects, as to the bad state of a dominion. For men are not born fit for citizenship, but must be made so."¹ In general it is to be observed that states established by a free multitude are best, while those founded on conquest are usually worst. Machiavelli has shown how a clever prince, actuated solely by lust for power, may fortify his throne and wield tyrannical authority; but this merely proves, according to Spinoza, the folly of trying to remove a tyrant without removing the causes which make him a tyrant, and, further, how cautious a people should be in entrusting authority to one man.

At considerable length in the *Political Treatise* Spinoza descants on monarchy and aristocracy. The best methods of organizing and managing both forms are treated, and many sound and practical suggestions are made. Genuine monarchy he deems impossible, what is called so being in fact a form of aristocracy. From his treatment of aristocracy, it is evident that he favored a balanced system in which the power of the ruling class would be subject to many checks. Of democracy Spinoza had written only five paragraphs when death struck the pen from his hand. In the *Theologico-Political Treatise* he had said he believed democracy "to be of all forms of government the most natural and the most consonant with individual liberty."² It is therefore a great loss to the world to have been deprived of the cool and luminous wisdom he might have added to the literature of this stormy subject.

¹ *Ibid.*, p. 313.

² *Ibid.*, p. 207.

VII

Spinoza the metaphysician and moral philosopher has overshadowed Spinoza the political thinker. Envenoming prejudices originating with orthodox theologians to whom his ideas touching religion and his searching criticisms of the Scriptures were proof of atheism, have damned him for the godly, in political as well as religious thought. Uncritical enthusiasm for his seeming irreligion has obscured for the ungodly the deep significance of both his religious and political doctrines. Spinoza came as close to truth as any thinker of his age, probably closer. Yet he remains, even to-day, one of the least understood, or most misunderstood, of mortals. Truth, apparently, is not what the world wants of a philosopher, but reasons for believing what it wants to believe.

The political thought of Spinoza was simply an extension to the political sphere of his famous doctrine of pantheism. Nature and God, according to his fundamental postulate, were one. The essence of the universe was unity. Everything in the universe was but a form or manifestation of the all-creative and all-pervading Power from which all things derive. Transposing this idea to the realm of politics, Spinoza saw the state as an utterly natural phenomenon. It was the product of human nature acting in response to the varied factors, forces, and conditions which make human nature what it is—human nature governed by natural law and exercising its natural rights. Among living things the supreme law is self-preservation and the second is self-satisfaction—the will to exist and the will to enjoy. These qualities are but expressions of the Infinite Power of which they partake. For a rational foundation of political authority, therefore, one must start with self-interest—sheer human selfishness.

This, for some, is crass materialism; for others it is sordid realism; but for the objective student of political phenomena it is simply an attempt to come to grips with facts, and no derogation either of God or humanity. The first concern of the scientist is not to discover how things should be, but how they actually are, and why. Spinoza's ideal commonwealth, had he visioned such a thing, undoubtedly would have been a New Jerusalem of loving fellowship and mutual accord. Spinoza was as kindly and self-effacing a man as ever breathed. But he was not dealing in wishes and dreams.

He was trying to explain things as they are and to perceive how, taking them as they are, they may be utilized to the best advantage. In the Kingdom of Heaven or the Republic of Utopia men may be divested of all ego, purged of all self-seeking; but here on earth human behavior is primarily egoistic and naturally self-seeking. True, men may be educated to altruism and unselfishness, but only under conditions which render those qualities natural to human character. This last is the core of the Spinozan concept of the state.

He regards human nature as neither noble nor depraved. It is simply what it is—first, concerned with self-preservation and next with self-aggrandizement. Man is a political animal, therefore, only in the sense that he finds political existence more congenial to his nature than non-political existence. In all cases, Spinoza thinks, it is the lesser of two evils. Men embrace the state because they have to choose between that and destruction at the hand of a conqueror, or between that and ruinous anarchy. Political life affords greater security and greater liberty than would otherwise be possible. Political life is therefore natural to men; it affords greater opportunity to satisfy the basic urges of human nature. The determining factor is power. If, as individuals, men had power adequate for self-preservation and self-satisfaction, they would never submit to authority. Not having that power, they seek the aid of a greater power to which they must submit or take the consequences of non-submission. The ambit of individual rights is no greater, then, than individual power, and, correspondingly, the rights of sovereign authority are limited only by its power.

Thus far Spinoza was a materialist, and in full accord with Machiavelli and Hobbes. That might makes right, he thoroughly believed. Science proved it; so did philosophy. But Spinoza was a truer scientist and a more penetrating philosopher than any of his materialistic predecessors. He did not stop with the precept that might makes right. He asked, and also answered, the question, What kind of might makes what kind of right? Might, he found to be of many differing species and degrees, and the right resulting from the application of might he also found to be of widely varied character. There was intelligent might and unintelligent might, creative might and destructive might, democratic might and autocratic might. There was despotic right and communal right, equi-

table right and inequitable right, beneficent right and baneful right. Were these equally approved by science and philosophy? By no means, said Spinoza. They should be tested by their utility, not for the few but the many. That system of might (government) is best which provides the utmost of security and freedom for the great mass of its subjects; which, in other words, liberates human nature so far as can be with safety and liberty for all.

If that be materialism, the world has seen too little of it. Spinoza believed that intelligence should rule the world, and would, if it could be freed from the trammels of superstition and dogma. He was not afraid of human nature at its worst, if only intelligence were at the helm. But he was very much afraid of human nature in governments pretending to be founded on divine right, contractual right, or doctrinaire abstractions of any sort. His aim in writing on politics was to still the winds of doctrine, bring sovereignty out of the mists of legalism, annihilate the absurd and vicious pedantries of political theory, and lead rulers and subjects to see that the state is a practical thing, justified only by its practical results. No will-o'-the-wisp Utopia could lure him from the solid path of fact and reason. Yet he was serenely confident that if men would truly establish commonwealths on factual foundations and then follow the dictates of practical intelligence, they could indeed build more stately mansions of common weal than had ever been known among mankind.

Poor Spinoza was born about 300 years too soon. The world was no more ready for his political than his religious philosophy. It did not welcome his ideas, but could never ignore them. No great iconoclast is ever acclaimed as a prophet and teacher by contemporary generations. Nor is he ever passed over in silence. His radicalism and irreverence always draw fire from the snipers of the Old Guard. Battling valiantly against his iconoclasms, these doughty defenders of the true faith never fail to give currency to his ideas. So it was with the political ideas of Benedict de Spinoza. No cult of political pragmatism bears his name, but his utilitarian concept of the state gradually permeated the thought of the world, and later, through the genius of such theorists as Bentham and Mill, was evolved into a dynamic system of political philosophy. His name is not associated with the monistic doctrine of sovereignty, but nineteenth-century jurists, such as Austin and Jellinek, built

largely on the foundations that he prepared. Modern political psychology does not acknowledge his parenthood. Yet the fact remains that his analysis of the underlying psychology of political behavior was the first of its kind and is modern even by the standards of the present day. Unfortunately for Spinoza's reputation as a political philosopher the *Theologico-Political Treatise* was limited to a narrow field of inquiry and the *Political Treatise* was but a fragment of the work originally planned. Had he been able to complete the latter, especially the portions that were to treat the subjects of democracy and laws, he might not be dismissed, as he frequently is to-day, as a great philosophic genius who incidentally touched upon political subjects.

VIII

The world's first professor of international law should be an interesting study; and he is, if for no other reason, because of the unending dispute among scholars as to whether he is a figure of great significance or of no significance at all. Samuel Pufendorf was born near Chemnitz, in Saxony, on January 8, 1632, the same year in which Spinoza and Locke were born.

Being the son of a Lutheran pastor, Pufendorf was sent to the University of Leipzig to study theology. The narrow dogmatism of the divinity school went against his grain, and he rebelled. Thereupon he quitted Leipzig and transferred to the University of Jena, where he took up the study of jurisprudence. At Jena he came under the influence of Erhard Weigel, an eminent mathematician and student of natural philosophy. Weigel is credited with having introduced Pufendorf to the doctrine of natural law and inspiring his great detachment of mind by teaching him the methods of mathematics. If that be true, Weigel should also be credited with having nearly ruined Pufendorf's work for posterity by causing him to commit the folly of trying to apply mathematical modes of demonstration to juristic concepts.

After completing his studies at Jena, Pufendorf sought a teaching position. Finding none in his own country, he accepted a proffered appointment as tutor in the family of the Swedish minister to Denmark. He had barely arrived in Copenhagen when war broke out between the two countries. Following the custom of the time, the Danes arrested and imprisoned the whole Swedish diplomatic

establishment except the minister himself, who was lucky enough to escape the country before he could be taken. Pufendorf was kept in jail eight months, but was not mistreated save that he was deprived of all access to books and libraries. To occupy his time he undertook to review in his mind all his studies of jurisprudence. As a result of his reflections he gradually evolved a system of jurisprudence of his own. For diversion he committed this to writing, though with no intention of publishing it.

Upon his release from prison Pufendorf went with the sons of his employer to the University of Leyden in Holland. He showed some of his friends there the manuscript he had written during his captivity and was urged to have it published. Acting on this suggestion he revised the work and had it published in 1660, under the title *Elementorum jurisprudentiæ universalis libri duo*—*Two Books on the Elements of Universal Jurisprudence*. The volume attracted much attention, and as a consequence in 1661 the Elector of the Palatinate, to whom the book had been dedicated, created a new professorship of natural and international law at the University of Heidelberg and appointed Pufendorf to the post. It was the first university chair devoted exclusively to the law of nations.

Pufendorf held this position until 1670 when, at the invitation of the king of Sweden, he accepted a professorship at the University of Lund. While holding this appointment, he wrote and published his well-known *Eight Books on the Law of Nature and of Nations*. In 1677 Pufendorf went from Lund to Stockholm to take the post of royal historiographer. With this change of occupation his work in the field of jurisprudence virtually ceased, and he became primarily an archivist and historian. In 1686 he was called to Berlin to serve as historiographer to the Great Elector, Frederick William of Brandenburg. This position he held until his death in 1694.

IX

Pufendorf was a voluminous writer, but much of his work lies outside the domain of political thought. To get the essence of his political theory we need only consult his *Elements of Universal Jurisprudence*. His later treatise on *The Law of Nature and of Nations* acquired a somewhat greater reputation, but is in reality little more than an elaboration of the *Elements*. In the preface to this book Pufendorf acknowledged his debt to Grotius and Hobbes, admitting that he

had drawn largely from both, but stating at the same time that in some particulars he disagreed with both. As a matter of fact he took his stand about midway between them and endeavored so far as possible to reconcile their widely divergent doctrines.

In common with practically all seventeenth-century political thinkers Pufendorf accepted the hypothesis of a prepolitical state of nature and made natural law the sheet-anchor of his system of thought. With Hobbes he agreed that the state of nature was a miserable condition, but did not vision it as a war of every man against every man. On the contrary, he deemed it a state of general peace, though not of general well-being. It fell short of that because the majority of men in the state of nature did not, he thought, observe the law of nature, but were actuated by impulse and passion.

What was the law of nature? Even among the learned, said Pufendorf, there was no agreement. But he thought he could describe it, even though he could not define it:

“Although, when man comes into the light of day, his mind is found to be imbued with no knowledge of affairs, nevertheless, his intellect thus disposed God has so shaped that, after his powers have begun to exert themselves simultaneously with advancing years, from the inspection of natural matters he conceives certain notions serviceable to a richer knowledge to be erected upon them later; and from the contemplation of himself, he recognizes what actions, as being in harmony with his own nature, the Creator has wished him to perform, and what to avoid, as being repugnant to the same. . . . By experience, therefore, it is well established that, when, out of a state of infantile ignorance, the light of reason in man reveals itself with a little greater clarity, and turns itself to the contemplation of its own nature, his reason which has not been corrupted by emotions or vicious habits, dictates to him that it is right, indeed, for him to care for and save himself as far as he can; nevertheless, because he has observed that he has been destined by the Creator to cultivate society with other men, it is necessary so to modify his care for himself as not to become himself unsociable with others, or not to have society among men disturbed. It is this very thing which we call the law of nature. This law, as has been said, comes to be known, without any supernatural aid, from a consideration of the nature and condition of man. Nor does this nature cease to be known because many have not the strength of natural capacity which would enable them to investigate the same by their own processes of reasoning, or because knowledge of it is acquired by most men through information derived from others. For it is sufficient that the perspicacity of but mediocre intelligence can deduce it, and the rest of men, when, under the in-

struction of others, they have compared their acquired knowledge of it with the condition of their own nature, are able to observe that this law necessarily harmonizes with them. And as human society coalesces and is preserved by the law of nature, so this is by no means the least fruit of societies already established, that, in them, through instruction from others and by its very exercise, even the duller may learn the law of nature.”¹

This prolix passage reveals much of both the strength and weakness of Pufendorf as a political theorist. His prolixity, though not a blemish but rather a grace of style for the seventeenth century, has made him all but unreadable for subsequent ages. Concealed, however, in his circumambient phraseology was a genuine idea. The state of nature was a primitive condition comparable with childhood—the childhood of the race, as it were. The law of nature comprehended those norms of behavior which experience and reason, the latter growing out of both experience and instruction, showed men, as they advanced in enlightenment, to be essential for their own good and the good of the social entity of which nature designed them to be a part. Grotius had defined natural law as the dictate of right reason, universal and immutable, unchangeable even by God Himself. Hobbes had defined it as a body of principles, discovered by reason, which restrain men from any act incompatible with peace, security, and self-preservation. Pufendorf was closer to Hobbes than Grotius; but his natural law was the product of reason and experience in society, whereas that of Hobbes was the product of individual reason.

Holding this view of natural law, Pufendorf rejected the Grotian concept of international law as including, in addition to natural law, the common usages and customs of nations in their mutual dealings, and maintained that international law was merely part of natural law. Likewise he rejected the Hobbesian concept of war as the natural condition of international society, and argued that peace was more in harmony with natural law than war. Unfortunately he felt obliged to admit so many exceptions and qualifications to the normal condition that his thesis was largely vitiated.

In explaining the transition from the state of nature to political society Pufendorf was particularly shrewd and ingenious. Primary societies, such as the family, the church, or trade guilds, he attrib-

¹ *The Elements of Universal Jurisprudence* (Carnegie Classics of International Law, 1931), pp. 239–240.

uted to the instinctive social impulses of mankind; but the state, he insisted, was the product of a deliberate compact—in fact, of a twofold compact; first a contract between the individual members to establish and maintain a civil society, and second a contract between the citizens and their rulers regulating the duties of the former and the powers of the latter. Upon this concept of the nature of the state Pufendorf erected his theory of sovereignty.

Authority over things which are one's own Pufendorf defined as liberty; authority over others and things belonging to others he called sovereignty. "Now sovereignty," he said, "is either *absolute* or *restricted*. It is the former, when its acts cannot be rendered void by any third person who is superior, nor be refused obedience on the part of those over whom sovereignty is exercised, upon the basis of some right which has been sought or retained by a pact entered into at the time when the sovereignty was established. It is the latter, when one or the other, or both of these, can take place. For one's sovereignty admits of restriction in a twofold fashion, either when, by him who has a superior sovereignty, the power of the one who exercises his sovereignty is checked, or those who obey are absolved from the obligation of taking specific orders; or when those who have put themselves under some one's command, have by a pact made for themselves the express reservation that they are unwilling to be bound by his orders in certain things. Such restriction is not at all repugnant to nature. For, since he to whom sovereignty is given possesses otherwise no right over me, and therefore holds by my mere free will whatever authority he has over me, it is assuredly patent that it rests with me how far I care to admit his sovereignty over me. And yet these restrictions ought not to be of such a kind that they overturn the purpose of sovereignty and reduce it to absolutely nothing, or render unavailing the pact between the ruler and the ruled. . . . In the second place, sovereignty is either *private* or *public*. The former belongs to persons as private individuals for the use of each as such. . . . Public sovereignty is that which comes to persons in their public capacity for the use of civil society. If this sovereignty be supreme in the state it has an adjunct authority, which men call eminent, over the persons and property of subjects, an authority which is stronger than any rights whatsoever of individuals, but one to be exercised only for the public safety." ¹

¹ *Ibid.*, pp. 56-57.

Herein Pufendorf aligned himself with Grotius rather than Hobbes. The absolute and unqualified dominion of man over man his reason could not sustain. Yet he could not go the whole distance with Grotius and hold sovereignty to be a mere right of governing which was disposable like property on any conditions whatsoever. Pufendorf's sovereignty, though capable of limitation, is absolute when social welfare requires it, but not so when social welfare, as understood by reasonable men, is violated. Vague and elusive though it was as an intellectual concept, this was a practical sort of sovereignty by which men could readily live and adjust their affairs.

On the whole Pufendorf was a very practical sort of thinker, seldom pressing a doctrine to its logical extremes if it could not be made to square with expediency and reality. Slavery he explained and justified as a form of limited liberty, of which there were many other species. The servitude might be based on contract, inheritance, punishment, and various other lawful restrictions on liberty. Private property he declared essential to the existence of society and in full accord with the law of nature. The right of occupation or asserting possession was sufficient to establish ownership under the law of nature, there being a tacit pact that each would recognize this right in others in order to avoid strife and promote security. The transmission of title to the successors of owners who had acquired property by virtue of *occupatio* caused endless difficulty; and "when men multiplied and separated into States, it rested with these same States to determine the effects of proprietorship and to include it within definite limits. . . ." ¹

In the field of international law, in which his influence was considerable, Pufendorf was remarkable for the boldness with which he departed from particularism and postulated a universal law of which the law of nations was but a component part. Yet it was characteristic of him to compromise this grand ideal with such sweeping concessions to the practical that his readers had difficulty in keeping sight of the ideal. In treating of war, for example, he took the position that peace was the relationship of states prescribed by natural law. Logically, then, war was illegal and inadmissible. But Pufendorf declined to take this position. Instead, perceiving as a practical man that states were ever engaged in "just" wars, he

¹ *Ibid.*, pp. 36-37.

legalized war under certain conditions, saying, "since the obligation of observing the law of nature ceases when that other does not observe the same law toward me, there arises thence, as a sort of subsidiary status for man, *war*, when our safety cannot be secured except by force."¹ Which was letting down the bars as far as any practical statesman could wish.

X

Pufendorf had an enormous vogue in his own time and his popularity continued well into the eighteenth century. That he exerted a great influence upon the development of political thought, especially juridical thought, there can be no doubt, though there are sharp differences of opinion as to whether his influence was fundamental and progressive. Some writers on international law assert that he contributed nothing to the development of that science, going so far in some instances as to say that his influence has retarded rather than promoted international jurisprudence. Others feel that, for all its shortcomings, his theory of international law was a forward step in legal philosophy, and that his acute comments on the necessity of attempts at amicable settlement before war is justified, have done much to further international conciliation by mediation, arbitration, and other means.

Pufendorf's was an insinuating rationalism, though by no means so brutally logical as that of Hobbes or so rigorously scientific as that of Spinoza. Like Locke, he was eminently persuasive. He shocked no one, offended no one. He rejected divine right and relegated divine law to the background, yet suffered no anathemas from the pious. Why? Because he imported morals into nature, treated moral obligation as a phenomenon of nature, and virtually identified morals with natural law. Sharing Spinoza's pantheism, he made God and nature one; but looking on nature, he saw what ought to be; whereas Spinoza saw what actually was. Not unnaturally, therefore, Pufendorf rather than Spinoza came to be the honored herald of eighteenth-century deism, which combined pantheism and idealism in a moral order making God synonymous with goodness.

In Pufendorf's thought the state became a moral entity, and the relation of states to one another was the same as that of individuals

¹ *Ibid.*, p. 13.

in the state of nature. They were bound by the law of nature, which dictated moral behavior. If among states, as among individuals, the law of nature was not observed, might there not be implied, as with individuals, a theoretical social compact—a society of nations—to secure adherence to the law by which all were bound? In this suggestion Pufendorf launched an idea of vast possibilities. It was not a formal league of nations that he had in mind so much as a body of states coming to regard themselves as component parts of an international social order under the reign of law. Subjectively to a very considerable extent, and also to a notable degree in express terms, the practices of modern states reflect the acceptance of that concept. Not that states do not frequently ignore their obligations as members of the international community and thumb their noses at international society. They do. But the disapprobation visited upon them when they do, and their not infrequent hesitancy to incur this disapprobation, are evidences that the Pufendorf doctrine has penetrated the consciousness of mankind.

Pufendorf is also credited by some with being the father of the modern sociological school of jurisprudence. His linking of sovereignty with the promotion of social welfare, and his definition of law as “a notional norm for actions, showing how far they should be conformed to the will of some superior,”¹ afford a basis for this view. Through progressive enlightenment, he argued, men come to accept the social mode of existence and the obligations it imposes, and thus arrive at a realization of what reason requires in the way of conformity. The “notional norm,” as explained by Pufendorf, is a standard or rule of action “envisaging to the intellect the will of a superior relative to doing or avoiding something.”¹ In other words, it is a rationalization of social necessity or expediency.

All his life a teacher and academician, Pufendorf's writings were addressed primarily to intellectuals, and by intellectuals was he chiefly read. His works ran through several Latin editions and were translated into English, German, and French. In England his influence is not easy to trace, but in Germany it was profound; also in France. Diderot and the Encyclopedists drew heavily from Pufendorf, and through them his influence was transmitted to Rousseau and the thinkers of the French Revolution.

¹ *Ibid.*, p. 153.

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CHAPTER XVII THE ENLIGHTENMENT

I

CIVILIZATION has its seasons of sowing and its seasons of harvest. The seventeenth century was for the most part a time of planting and germination; the eighteenth was pre-eminently a century of fruition and reaping. This was true on well-nigh every front of human enterprise, and notably so in the spheres of science and philosophy. The scientific rationalism which had its birth and adolescence in the seventeenth century came to maturity in the eighteenth. This growth of enlightenment, this movement to enlarge the area of human understanding and enthrone reason as the sovereign guide in human affairs, was by the Germans called the *Aufklärung*, by the French the *Éclaircissement*, and by the English the Enlightenment.

As the eighteenth century added to the discoveries and advances of its predecessor, men began to believe that intelligence might free the world of vice, disease, poverty, and injustice if science and reason were given full rein; if church and state and all social institutions were subjected to rational analysis and criticism with a view to improvement. Scientific curiosity overflowed all bounds. Experimentation became an avocation for all who professed any degree of sophistication. Every educated gentleman's kitchen became a laboratory and his drawing-room a museum. Science and philosophy were the absorbing topics of conversation in boudoir and parlor. Princes gained kudos by subsidizing scientists and literary men and attaching them to their courts. To shine in reflected glory was better than not to shine at all. Benjamin Franklin, a provincial savant of lowly origin, hobnobbed with kings and had all the grandees of Paris at his feet. The fame of Goethe raised the petty court of Saxony to international eminence. Catherine of Russia was credited with a ten-strike when she lured the great Diderot to St. Petersburg. Frederick the Great, no paragon of self-abnegation, swallowed pride in great gulps to placate the vanity of Voltaire and keep him at Potsdam.

It is said to be half of the greatness of Frederick that he "made

room for the *Aufklärung*." To be an enlightened ruler was his oft-avowed aim, and he professed himself "the first servant of his people," reigning not by divine right but by virtue of rational necessity. Monarchs all over Europe were infected by the same spirit of rationalism. Charles III of Spain, Joseph II of Austria, and even the imperious Catherine II of Russia ardently embraced the *Aufklärung* and pronounced themselves liberals. They would be enlightened autocrats, welcoming criticism and seeking the guidance of philosophers and scientists. Writers hailed the coming of a golden age of humanitarianism and spoke of "free humanity" and "cosmopolitanism" more enthusiastically than of nationalism and patriotism.

But the Big Reform never came off. The old order was too deeply entrenched. Enlightened despotism could not shake it. Rulers who tried tempering absolutism with moderation and reason found themselves faced with a choice between autocracy and impotence. Strong monarchs, such as Frederick and Catherine, solved the problem by professing liberalism and practicing autocracy; but weaker ones, such as Joseph II and Charles III, vacillated and were lost. Having the noblest ideals and best intentions rulers ever avowed, they were the least popular and least respected kings of their day. The old régime persisted; it would die before it would change.

The era of the Enlightenment failed, therefore, to attain its objectives. Its importance lies not in what it created but in what it destroyed. Its ideal was reform; its effect was revolution. It sought the gradual substitution of a society swayed by truth and reason for one dominated by ancient absolutes, but it taught doctrines that could result only in the demolition of the social system it hoped to save. By the final decade of the century it had so completely done its work that social and political structures in many European countries were ready to collapse at the first violent shock. This came first, as we know, in France. The intellectuals of the seventeenth and eighteenth centuries had sowed the wind and reaped the whirlwind.

Many immortal names are associated with the Enlightenment—poets, essayists, philosophers, scientists, and statesmen. It would be impossible to name them all, and unfair to mention one above the rest. In the field of political thought a veritable host of writers dedicated their pens to the cause of enlightenment, and of those who made lasting contributions none were more influential or more

representative than the charming and persuasive Frenchman, Charles Louis de Secondat, Baron de Montesquieu; and the brilliant Scotsman, David Hume

II

The life-history of the Baron de Montesquieu is quickly told. It is the placid story of a life devoted to scholarship, letters, and polite society—a life almost wholly devoid of adventure or romance outside the bounds of the intellectual; a life on which fame and fortune smiled early and often, and which ran its course as untroubled as a summer day.

Charles Louis de Secondat, as he was christened at birth, was of noble lineage. His father was Jacques de Secondat, second son of the Baron de Montesquieu; his mother was Françoise de Penel, heiress of the estate of La Brède near Bordeaux, where Charles Louis was born on January 18, 1689. Both parents were of the ancient aristocracy which esteemed and practiced the precept of *noblesse oblige*, and the son was given an education designed to inculcate that ideal. At the age of seven his mother died and he inherited her estate, assuming the title Baron de la Brède which went with it. Private tutors were provided for the young nobleman, and in 1700 he was sent to the school of the Oratorian Brethren at Juilly where he remained eleven years. Then he took up the study of law and was admitted to the grade of counselor in 1714. The following year he married. It was a business transaction rather than a love match, the lady being an heiress whose fortune materially augmented the properties of de la Brède. Despite the absence of romantic love, however, it is said that the parties to the marriage became cordial friends and remained so throughout life.

In 1716 fortune called again at Charles Louis' door. His father's elder brother, holder of the title of de Montesquieu and president of the parliament of Bordeaux, died bequeathing his fortune, his title, and his judicial office to young La Brède on condition that he take the name of Montesquieu. He accepted and was thereafter known as Baron de Montesquieu. For twelve years he continued as chief magistrate at Bordeaux, but his heart was not in the job. Society and literature were the things he loved, and he indulged them even to the neglect of his judicial responsibilities.

Dabbling in literature on the side, he wrote and published in 1721

his first book, the *Persian Letters*. Purporting to consist of the letters of two Persians traveling in France, this was a biting and piquantly licentious satire on the follies of politics and religion and European society in general. The book made an enormous stir and ran through many editions. Though it was published anonymously, the fact that Montesquieu was the author became generally known. His reputation as a literary man was made. His judicial duties became increasingly irksome, and finally he sold his office and moved to Paris where he could devote himself to social and literary interests exclusively.

In 1728 Montesquieu set forth on a long tour of Europe. He visited Austria, Hungary, Italy, Germany, and England, carefully observing men and institutions wherever he went. In England he spent eighteen months, making the acquaintance of leading statesmen and scholars and studying English political institutions, then regarded as the freest in the world. During this residence in England he conceived a great admiration for English country life and also for the political constitution of the English nation. When he returned to France, instead of taking up his abode in Paris, he went back to his estate at La Brède and sought as nearly as possible to live like an English county squire.

At La Brède Montesquieu passed the remainder of his days, dividing his time between the supervision of his properties and his all-absorbing studies and literary pursuits. In the social season he made occasional visits to Paris, but he could not long resist the call of his library and his increasingly ambitious literary projects. Many writings issued from the pen of Montesquieu during this fruitful period. The most important were the *Considerations on the Causes of the Greatness and Decline of the Romans* in 1734, the *Dialogue of Sulla and Ecrates* in 1745, and *The Spirit of Laws* in 1748. The last named was his masterpiece. It dwarfed all else that he had done and gained him a place among the immortals. He wrote little more, but lived long enough to know something of the prodigious fame that would accrue to the author of *The Spirit of Laws*. Death (probably from pneumonia) came suddenly in 1755, his 66th year.

III

It would be hard to name a book that has ever achieved speedier, wider, or more lasting fame than *The Spirit of Laws*. It has been

rated as the foremost prose work of the eighteenth century, which is extravagant praise indeed; for no century in the world's history produced more excellent prose, or a greater abundance of it. *The Spirit of Laws* may or may not have been the *ne plus ultra* of eighteenth century prose, but none will deny that it was deserving of extravagant praise. It had content and it had style, both of superlative quality. It is no exaggeration to pronounce it the most readable treatise on political science ever written. And, in striking contrast with most of its contemporaries, it is quite as readable in the twentieth century as it was in the eighteenth. Moreover, it was of the type that loses little in translation. In English, German, Spanish, or any other tongue it retained practically all of the fluency and sparkle of the French original. Were the content of the book as relevant to the immediate concerns of modern society as it was to the interests of the eighteenth century, it would be a best-seller to-day.

Unlike many of the works reviewed in these pages, *The Spirit of Laws* was the child of slowly ripening scholarship and infinitely patient craftsmanship. Montesquieu spent nineteen years writing it and had been gathering materials for some years before attempting the actual construction of the book. Every fact was checked as carefully as possible with the facilities at his command; every idea was weighed and tested with all of his intellectual resources; every sentence and every phrase was cut and polished to gem-like transparency and brilliance. A more quotable book was never written. It was a treasure trove of political epigrams, large numbers of which are still doing yeoman service in the world. At the same time it was scholarly and in certain respects original and profound. It was the sort of book, in short, that every reader could get *something* from and every thoughtful reader a very great deal.

"I have first of all," said Montesquieu in the preface of the book, "considered mankind, and the result of my thoughts has been, that amidst such an infinite diversity of laws and manners, they were not solely conducted by the caprice of fancy.

"I have laid down the first principles, and have found that the particular cases follow naturally from them; that the histories of all nations are only consequences of them; and that every particular law is connected with another law, or depends on some other of a more general extent.

"When I have been obliged to look back into antiquity I have en-

deavored to assume the spirit of the ancients, lest I should consider those things as alike which are really different, and lest I should miss the difference of those which appear to be alike.

"I have not drawn my principles from my prejudices, but from the nature of things.

"Here a great many truths will not appear till we have seen the chain which connects them with others. The more we enter into particulars, the more we shall perceive the certainty of the principles on which they are founded. . . .

"I write not to censure anything established in any country whatever. Every nation will here find the reasons on which its maxims are founded; and this will be the natural inference, that to propose alterations belongs only to those who are so happy as to be born with a genius capable of penetrating the entire constitution of a state.

"It is not a matter of indifference that the minds of the people be enlightened. The prejudices of magistrates have arisen from national prejudice. In a time of ignorance they have committed even the greatest evils without the least scruple; but in an enlightened age they even tremble while conferring the greatest blessings. They perceive the ancient abuses; they see how they must be reformed; but they are sensible also of the abuses of a reformation. They let the evil continue, if they fear a worse; they are content with a lesser good, if they doubt a greater. . . .

"The most happy of mortals should I think myself could I contribute to make mankind recover from their prejudices. By prejudices I here mean, not that which renders men ignorant of some particular things, but whatever renders them ignorant of themselves."¹

Thus the reader is warned that he is entering upon no conventional excursion in political didactics, no steamy exercise in apologetics. He is invited, on the contrary, to shed his preconceptions and peer into the nature of things; to look at facts, unplumbed oceans of facts; to examine their causes and constituents, to perceive their significance and relationships, and to see what principles underlie or emerge from them. This will not be a treatise on government alone, but on social existence as a whole.

Laws are concrete social facts—crystallizations of social experience, by-products of social adjustment; "necessary relations," said Montesquieu in the opening sentence of his first chapter, "arising from the nature of things."² If, therefore, you would know the truth about human society, seek the "spirit" of laws—the soul and

¹ *The Spirit of Laws* (World's Greatest Literature, 1900), Vol. xi, pp. xxxi-xxxiii.

² *Ibid.*, p. 1.

essence of their being. Do not accept them merely as the commands of a superior or as the dictates of reason. Find out how they came to be. Go back to their first beginnings; trace out the relationships of cause and effect in their origin and development; discover what functions they perform, what principles are inherent in them. Such, in brief, is Montesquieu's approach. From the study of laws as relationships proceeding from social existence he proposed to build a chain of truth by which men could act intelligently and without prejudice in reconstructing the social order, not alone in France, but anywhere throughout the world.

Synthesis is as important to him as analysis. He writes from the point of view not of the mere critic, but of the lawmaker who would utilize the results of criticism to formulate legislation appropriate to the characteristics and needs of any given society. He would provide bricks and mortar, and also architectural designs, for the modern Solon or Lycurgus. And the materials he would supply, the plans he would recommend, would be such as take form in the matrix of nature. Let men follow nature, make intelligent use of what nature prescribes, and they shall see the truth and find the way to construct better social systems.

He opens the treatise, therefore, with a discussion of laws in general; their relation to different beings, their types and characteristics. The entire universe is regulated by laws, he observes. The Creator has so ordained; it is the only way creative intelligence could function. So "all beings have their laws: the Deity His laws, the material world its laws, the intelligences superior to man their laws, the beasts their laws, man his laws."¹ Wherever there are relations between things, there are laws governing those relations. "Particular intelligent beings may have laws of their own making, but they have some likewise which they never made";² which arise, like the laws of inanimate nature, from relations in which the intelligence or non-intelligence of the subject is no factor. "Man, as a physical being, is like other bodies governed by invariable laws. As an intelligent being, he incessantly transgresses the laws established by God, and changes those of his own instituting."² For the nature of an intelligent being requires it to be a free agent; and since its intelligence is finite and limited, it is prone to err. Hence "the intelligent world is far from being so well governed as the

¹ *Ibid.*, p. 1.

² *Ibid.*, pp. 2-3.

physical.”¹ Man “is left to his private direction, though a limited being, and subject, like all finite intelligences, to ignorance and error: even his imperfect knowledge he loses; and as a sensible creature, he is hurried away by a thousand impetuous passions. Such a being might every instant forget his Creator; God has therefore reminded him of his duty by the laws of religion. Such a being is liable at every moment to forget himself; philosophy has provided against this by the laws of morality. Formed to live in society, he might forget his fellow-creatures; legislators have, therefore, by political and civil laws, confined him to his duty.”¹

Before there were such laws, however, there was human existence. Men lived then under the laws of nature; laws which derived their quality from character of the human animal and his mode of life. What sort of creature was man in this primitive state of nature and what were the laws of nature? In his most primitive condition man would not have knowledge; he would have only the faculty of knowing. The first thing he would think about would be self-preservation, and he would adapt all his behavior to that end. He would not, as Hobbes had supposed, be a ravening wolf seeking to conquer and destroy. His supreme passion would be to save himself, and he would be a fear-stricken savage “trembling at the motion of a leaf, and flying from every shadow”;² he would become aggressive only as wolves do in fact, when spurred by hunger or confronted by danger from which there was no flight. The first law of nature, then, would be peace and security.

The second thing pre-social man would think about would be the satisfaction of his wants. Sustenance would be the first of these, but there are many more. Actuated by fear, he would tend to shun his fellow-creatures; but, finding that they also shunned him, would lose his fear and find satisfaction in contact with others of his kind. This would constitute the second law of nature. The pleasure derived from contact with other men would be enhanced by the attraction of the sexes. The mutual pleasures resulting from sex contacts would give rise to a third law of nature, the law of association. At this point knowledge would have developed to a state where intelligence could function. Men would have not only an impulse to unite, but reasons for doing so. Thence would arise the fourth law of nature, the rational desire to live in societies.

¹ *Ibid.*

² *Ibid.*, pp. 4-5.

"As soon as man enters into a state of society he loses the sense of his weakness; equality ceases, and then commences the state of war."¹ Strife develops along two lines. Individuals in society lose their timidity; the human ego expands; the individual gains a consciousness of power, a desire for personal aggrandizement; each person is thus impelled to convert to his own special benefit the advantages of the society to which he belongs. Thus in society there develops a state of war between individuals. Societies themselves undergo a similar transformation. Each begins to feel its strength, forgets its fears, becomes aggressive. Whereupon we have a state of war between nations. These two states of war give rise to positive law: the law of nations, governing the relations between societies; political law, governing the relations of individuals to societies; civil law, governing the relations between individuals within societies. The foundation stones of all these bodies of law are, or should be, simple and practical cases of reason applied to human relations. They should be adapted to the people for whom they are framed; related to the nature and principle of their government; accommodated to climate, terrain, and industry; varied according to the state of liberty, the kind of religion, and the established usages and institutions of society.

Here was a different note in political thought. Before Montesquieu political writers had pretty generally taken their stand on absolutes fortified by sweeping generalizations. There were notable exceptions, such as Spinoza and Pufendorf, but they were far ahead of the times in which they lived, and did not, moreover, heap up colossal mountains of facts to support their views. The conventional approach to politics was dogmatic. The state of nature was this or that, according to what the writer wanted to prove. The social compact was a compact for absolutism or a compact for liberty, depending on which cause the writer espoused. Sovereignty was unlimited and indivisible, or the opposite, as the writer found convenient for his case. Law was a rule of abstract and universal reason or the binding command of a rightful superior as suited the goal the writer set out to attain. Montesquieu sought not to prove, but to explain; not to vindicate or condemn, but to show how and why things had come to be as they were; not to describe ideals, but to discover natural principles which could be utilized

¹ *Ibid.*, pp. 4-5.

for the betterment of human institutions. Absolutes and abstractions had no place in his philosophy; he was interested in the relations of things and how these relations bear fruit in widely differing institutions and laws. The problem of political science, as he conceived it, was not to discover a thread of truth and reason common to all situations, but to find out what was true and rational in each particular situation, and from this to evolve a body of principles for the guidance of the legislator in any situation.

The plan of the treatise is easy to follow. It embraces six primary divisions of inquiry: (1) laws in relation to systems of government, (2) laws in relation to climate and soil, (3) laws in relation to manners and customs, (4) laws in relation to commerce and money, (5) laws in relation to population, (6) laws in relation to religion. After an exhaustive exploration of these subjects the book closes with a comparative summary of the various species of law, their distinct objects and functions, and the way in which laws ought to be made and applied.

The first inquiry, dealing with laws in their relation to government, is the most extensive. Montesquieu distinguished three major types of government—despotic, monarchical, and republican—and classified republican governments as either democracies or aristocracies. Each of these basic forms of government, he says, has its own peculiar nature or structure; and its laws, which are its fundamental institutions, conform to that nature. More important yet, each has its own peculiar principle or motive force which makes it work as it does.

Democracy first engages Montesquieu's attention. Since this is a form of government in which supreme power is possessed by the whole body of people, says he, the laws fundamental to this government are those establishing the right of suffrage. The regulation of the right to vote should be the foremost concern of the legislator in framing a democratic government. "The people . . . ought to have the management of everything within their reach: that which exceeds their abilities must be conducted by their ministers."¹ Though the people do not have the ability to conduct the administration themselves, they are well qualified to choose their magistrates and call them to account. The great peril in a democracy is the failure to draw a proper line between the functions the people

¹ *Ibid.*, pp. 9–10.

are capable of performing and those which should be delegated to magistrates. In a popular government, says Montesquieu, "public business must be carried on with a certain motion, neither too quick nor too slow. But the motion of the people is always either too remiss or too violent. Sometimes with a hundred thousand arms they overturn all before them; and sometimes with a hundred thousand feet they creep like insects."¹ He commends the wisdom of Solon who divided the people of Athens into four classes, not for voting, but for eligibility to office; the purpose being to confine popular selections to those qualified for public service. Social classes are bound to occur in a popular state. The legislator should perceive this and make suffrage arrangements accordingly; "on this the duration and prosperity of democracy have ever depended."¹ To allow the intelligent and propertied classes to be engulfed by the indigent and ignorant multitude is fatal.

The principle of a democracy, in the Montesquian sense, is virtue or probity. "What I have here advanced," he writes, "is confirmed by the unanimous testimony of historians, and is extremely agreeable to the nature of things."² Unless there be a universal sense of rectitude, a democracy is doomed. There is less need of this in other kinds of government where those who command and those who obey are not one and the same. But in a democracy, "When virtue is banished, ambition invades the minds of those who are disposed to receive it, and avarice possesses the whole community. The objects of their desires are changed; what they were fond of before has become indifferent; they were free while under the restraint of laws, but they would fain now be free to act against law; and as each citizen is like a slave who has run away from his master, that which was a maxim of equity he calls rigor; that which was a rule of action he styles constraint; and to precaution he gives the name of fear. Frugality, and not the thirst of gain, now passes for avarice. Formerly the wealth of individuals constituted the public treasure, but now this has become the patrimony of private persons. The members of the commonwealth riot on the public spoils, and its strength is only the power of a few, and the license of many."²

Montesquieu had reference to the degradation of democracy in the ancient world, for modern democracies were not then born; but the decay of virtue and the consequent "riot on public spoils" may

¹ *Ibid.*

² *Ibid.*, pp. 20-21.

be seen in twentieth-century democracies as well. We call it "pressure politics," "raiding the pork-barrel," "shaking the plum tree," "distributing the patronage," and various other euphonious evasions. Montesquieu would be more candid; he would call these things the rotting of democratic virtue.

The virtue which constitutes the principle of a democracy is not an intellectual quality, but an emotion, and is rooted in the love of frugality and equality, declares Montesquieu. The laws of a democracy should be designed to foster and perpetuate these qualities. To this end he advocates laws preventing the concentration of property and wealth. The object of such laws should not be to establish exact equality of economic status, but to forestall extreme inequalities. Moderate riches he regards as an excellent thing for a democracy. Frugality goes along with equality. Extreme poverty and extreme wealth destroy the sturdy character which comes from the practice of systematic and intelligent economy. Therefore he would have laws which "should set every poor citizen so far at his case as to be able to work like the rest, and every wealthy citizen in such mediocrity as to be obliged to take some pains either in preserving or acquiring a fortune."¹

In an aristocracy the situation is quite different. There the supreme power is lodged in the hands of a special class or group of citizens, and the rest of the people are their subjects. The form of the government should be determined by the number of people in the governing class. If they are numerous, there must be a senate or other governing body to act in matters where the whole body of nobles cannot. This in turn will call for some system of selecting the legislators and magistrates. Coöptation is not desirable, for it only perpetuates abuses. The best rule is to compensate greatness of power by brevity of duration. A year at most is as long as the aristocratic magistrate or legislator can safely be allowed to hold office. It is wise to have the largest possible number of the nobility share in the exercise of power. Then the governing party or faction will be least disposed to oppress any others. It is also prudent in an aristocracy to remove all invidious distinctions between the nobility and the mass of people. "Aristocratic families ought, therefore, as much as possible, to level themselves in appearance with the people. The more an aristocracy borders on democracy, the nearer it ap-

¹ *Ibid.*, p. 46.

proaches perfection: and, in proportion as it draws towards monarchy, the more it is imperfect.”¹

While virtue is requisite in an aristocracy, it is not so vital, says Montesquieu, as in a democracy. “An aristocratic government has an inherent vigor, unknown to democracy. The nobles form a body, who by their prerogative, and for their own particular interest, restrain the people. . . .”² The problem is how to prevent abuses resulting from the excesses of the nobility. How can the nobility be restrained? In two ways, Montesquieu responds. They may be restrained by a very eminent virtue, which puts them in some degree on a common footing with the people; or by an inferior virtue, which puts them on a common level among themselves. The essence of both of these forms of virtue is moderation. Hence moderation, founded on virtue, not proceeding from indolence or pusillanimity, is the cardinal principle, the very soul, of an aristocracy.

The laws of an aristocracy “must tend as much as possible to infuse a spirit of moderation, and endeavor to re-establish that equality which was necessarily removed by the constitution.”³ There are two principal sources of trouble in an aristocracy—gross inequality between rulers and subjects and similar inequality between different members of the governing class. The laws ought to prevent or repress the hatred and jealousies deriving from these inequalities. One class should not be accorded privileges which are honorable only as they are ignominious to others. For example, caste barriers in the matter of marriage are not only inconsistent with the principle of an aristocracy but absolutely dangerous to its security and permanence. The same is true of special privileges in respect to taxation or benefits from the public treasury. Taxes should fall in proportion to wealth, and emoluments of all kinds should be scaled in inverse ratio to riches. In fact Montesquieu doubts whether the nobility should receive any pecuniary compensation for public service; they should be content with honor. It is most essential too that the nobility should not have the power to levy taxes; the temptation to exploit the people would be too great. He would also debar the nobles from all kinds of commerce, in order that they might not fortify their political power with economic power. Excess of wealth and excess of poverty among the nobility

¹ *Ibid.*, p. 15.

² *Ibid.*, p. 22.

³ *Ibid.*, p. 49.

are the most pernicious conditions that can occur in an aristocracy, and the laws should be aimed to prevent their occurrence. The nobility should not be allowed to fall into debt, or, on the other hand, to accumulate vast estates. There should be substantial equality among them, and everything should be done to prevent rivalries and quarrels.

A monarchy, as defined by Montesquieu, is where a single person governs under fundamental laws; i.e., a constitutional monarchy. The nature of the government is determined by the laws regulating the intermediate, subordinate, and dependent powers. These laws pertain to the prerogatives, powers, and functions of the peerage, the clergy, the municipal corporations, and other channels through which the power of the monarch flows. Such establishments are essential to a monarchy. Do away with them and you soon have either a popular or a despotic government. The intermediary agencies serve as a restraint on both monarch and people, and thus tend to preserve the government in its true form.

The principle of monarchical government, Montesquieu explains, is honor---honor in the sense of aspiration for preferments and titles. In a republic this would be bad, but in a monarchy it is a salutary thing. "It is with this kind of government as with the system of the universe, in which there is a power that constantly repels all bodies from the center, and a power of gravitation that attracts them to it. Honor sets all parts of the body politic in motion, and by its very action connects them; thus each individual advances the public good, while he thinks only of promoting his own interest."¹

The laws of a monarchy should be congenial to the principle of honor. They should sustain and preserve the intermediary establishments of the monarchy, particularly the nobility. The nobility should be hereditary, and it is often desirable to permit them to preserve their estates undivided. Special privileges should go with the lands as well as the persons of the nobility. And these privileges should be confined to the nobility and be incommunicable to any other class. Commerce should be favored and encouraged for the people, that the prosperity of the country may be sufficient to sustain the monarch and his court. But the mode of taxation should be less odious than the taxes themselves. Monarchical government has advantages over both the republican and despotic forms, but care-

¹ *Ibid.*, p. 25.

ful attention to the laws is necessary to secure these advantages. The executive power in a monarchy can act with greater expedition than in a republic and is more permanent than in a despotism. One of the necessary means of maintaining the proper balance in a monarchy and thus preserving its excellencies is a judiciary that will serve as a depository of the laws, safeguarding them against improper infraction and altering them to meet changing needs.

In a despotic government power is invested in a single person unrestrained by law. The form of government follows the whim of the despot. He is likely, says Montesquieu, to be lazy, voluptuous, and ignorant. Hence it will be natural for him to delegate his power to a vizier or chief minister. In this form of government virtue, moderation, and honor are wanting; the central principle or motivating force is fear. The despot and his favorites fear the people, fear any who may rise to distinction, fear each other. They can rule only by keeping their subjects in fear. Blind, passive obedience is what they require. "When the savages of Louisiana are desirous of fruit, they cut the tree to the root, and gather the fruit. This is an emblem of despotic government."¹ In this kind of government there is no occasion for a great number of laws. Their single purpose is repression. They are needed only to bolster up arbitrary might.

One of the most delightful portions of *The Spirit of Laws* is Montesquieu's treatment of education in relation to the principles of government. Each form of political society, according to his view, requires its own special form of education. He refers not alone to the formal education provided in the schools, but the informal education of the home, the church, and other social institutions. In a monarchy the emphasis should be placed upon those things that contribute to pride of rank and a knightly sense of duty. The properly educated person in a monarchy may set a value on his fortune, but never on his life; may never conduct himself to appear inferior to the rank he holds; will abstain from things forbidden by honor more rigorously than if they were forbidden by law. Education in a despotism must aim to inculcate servility and obedience, which, if fact, is the negation of education for good citizenship. It is in republican government, especially democracy, that education is most important. Here it must inculcate the virtue of self-renun-

¹ *Ibid.*, p. 57.

ciation, preference of public to private interest, love of law and love of country. Should it fail in this, the republic is doomed.

At great length Montesquieu descants on the theme that civil and criminal law, sumptuary legislation, and likewise laws respecting luxury and the condition of women should be adjusted to the type of government prevailing in a country. Severity of punishments, he thinks, naturally and properly varies in proportion as governments favor or discourage liberty. Forms of procedure and methods of judicial administration vary in like manner. Should a country fail to fit its judicial administration and its substantive law of crimes and civil rights to its governmental system, the results will be most unfortunate. There will be no satisfactory standards of justice, and the administration of justice will defeat its own purposes. Whether and in what manner a country should encourage or discourage luxury depends upon the kind of government it has. Democracies and aristocracies, striving for equality or moderation, should repress luxury and foster frugality. Hence they should have severe sumptuary laws designed to that end. In a monarchy, however, luxury is both proper and desirable, and hence there should be few sumptuary laws. The same is true of despotic states, though in a monarchy luxury is a use of liberty, whereas in a despotism it is an abuse of servitude. "Hence arises a very natural reflection. Republics end with luxury; monarchies with poverty."¹ The status of women in marriage, in respect to property, and in the matter of sexual continence should also be regulated according to the character of the government. Republican governments find it necessary to place women under severe restraint, not only proscribing vice, but the very appearance of it. They must also regulate dowries and women's estates, so that marriage will not contribute to the rise of luxury. But in monarchical countries there is little need to restrain the conduct of women or limit their property rights. Luxury is appropriate to such a state and the etiquette of monarchical society sufficiently regulates their conduct. They are, in truth, a means of promoting luxury. In despotic states, however, women are themselves an object of luxury, and should accordingly be kept in most rigorous servitude. There is no polite society to regulate their behavior. To give them property rights would be dangerous to the stability of the government.

¹ *Ibid.*, p. 98.

How is one form of government transmuted into a different form? By the operation of perfectly natural causes, Montesquieu thinks. When there is any substantial deviation from its central principle, forces are set to work which in time undermine and transform the governmental system. Governments can be made stable only in so far as their constitutions and laws sustain and promote the principles on which they are founded. Montesquieu perceives no inevitable cycles of growth and decay, has no feeling that revolutions are deplorable and should be prevented. Change, in his view, is something that happens or does not, according to the facts and forces involved in the situation. It is all a matter of relationships. Recognizing that certain things precipitate and hasten change while others retard and prevent it, the intelligent legislator will plot his course accordingly. Does he wish to perpetuate a democracy? an aristocracy? a monarchy? a despotism? He will follow policies suitable to the desired result. Does he wish the opposite? Naturally then he will adopt contrary policies. Republican government, for example, cannot be maintained under circumstances adverse to the principle of a republic. One of the essential factors in a republic, in Montesquieu's opinion, was a relatively small territory. Should a republic expand its territory and population, it would eventually cease to be a republic unless some countervailing element were introduced. Federalism, Montesquieu thought, might have such an effect and render large republics possible.

Unquestionably the most influential portion of Montesquieu's work was his discussion of liberty. Ever striving for precision of ideas, he makes a distinction between political liberty and personal liberty. What is the meaning of liberty? That, he reminds us, is a question men have always debated, and will, so long as they fail to distinguish between liberty and unlimited freedom. "We must have continually present to our minds the difference between independence and liberty. Liberty is a right of doing whatever the laws permit, and if a citizen could do what they forbid he would be no longer possessed of liberty, because all his fellow-citizens would have the same power."¹ Political liberty is not native to any form of government, and is found only in moderate governments. Experience shows that every man invested with power is apt to abuse it. To establish political liberty, therefore, it is necessary to set up

¹ *Ibid.*, pp. 150-154.

checks on political authority, so that "no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits."¹

"In every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law.

"By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, and determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the state.

"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

"Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

"There would be an end of everything, were the same men or the same body, whether of nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."²

In this much-quoted passage Montesquieu stated, as he believed, the British recipe for political liberty. He was in error as to the actual working of the English constitution, but not as to its spirit. British liberty *had* been achieved by the erection of constitutional barriers against arbitrary power, and there *was* a feeling that the courts should be independent and the crown and parliament balanced against one another, though full organic separation had not taken place and never did. Conversant with the spirit of the British constitution, the founders of American political institutions were easily convinced of the correctness of Montesquieu's analysis and were further persuaded that all encroachments on liberty, both in England and the colonies, were due to failure to go the whole distance with Montesquieu and effect an actual organic separation of

¹ *Ibid.*

² *Ibid.*

powers. Montesquieu's doctrine became for them a great guiding principle. They incorporated it and the corollary principle of checks and balances in the American constitutional system, hoping thereby to solve the problem of political liberty.

On personal liberty Montesquieu had many shrewd comments to make. This liberty, he states, comes not from the arrangements of the constitution, but from manners, customs, received examples, and even from particular civil laws. In essence it is the security or sense of security that people have. To establish and preserve this liberty it is necessary that criminal justice be so regulated that punishment flows naturally from the nature of the crime, not from the caprice of the authorities. Arbitrary violence, even as the punishment for a crime, is the death of liberty. Secrecy of procedure against persons charged with crimes is of the same sort. It destroys tranquillity and undermines security. Where liberty is properly safeguarded "punishments are derived from the nature of the thing, founded on reason, and drawn from the very source of good and evil."¹ Public accusations and orderly proceedings are equally essential. Freedom of speech he rates as another essential of liberty. To hold people guilty of treason for indiscreet or even seditious utterances is the very negation of liberty. "Words do not constitute an overt act; they remain only in idea . . . and sometimes more is signified by silence than by any expression whatever."² By the same reasoning, he argues, we should be very circumspect in the prosecution of witchcraft and heresy. All such prosecutions impugn not a man's actions but his character. If a man may be punished for his character, he is always in danger. Security cannot exist. Fundamental also to the preservation of liberty is equity in the levy and collection of taxes. The revenues of the government should be fixed with regard to the needs of both the state and its people. The forms of taxation also bear a direct relation to liberty. "A capitation is more natural to slavery; a duty on merchandise is more natural to liberty, by reason it has not so direct a relation to the person."³ Confiscations, exemptions from taxation, the farming of revenues, and various other practices are viewed in their relation to liberty.

Involved in the discussion of liberty was the question of slavery. In dealing with this topic Montesquieu abandoned the scientific de-

¹ *Ibid.*, p. 187.

² *Ibid.*, p. 193.

³ *Ibid.*, p. 215.

tachment which characterizes most of his book and let his moral fervor show through. That slavery may be legal he readily concedes, but that it is rationally justifiable on any ground whatsoever he eloquently refuses to grant. Its origin can be explained, but its scientific soundness cannot be proved. It is contrary to nature and to all principles of government, though it is more tolerable in a despotism than in any other kind of government. "Aristotle endeavors to prove that there are natural slaves, but what he says is far from proving it."¹ In countries where climatic conditions render men unwilling to work without coercion slavery may be more reconcilable to reason. ¶ "But as all men are born equal, slavery must be accounted unnatural, though in some countries it be founded on natural reason; and a wide difference ought to be made between such countries, and those in which even natural reason rejects it, as Europe, where it has been so happily abolished. . . . I know not whether this article be dictated by my understanding or by my heart. Possibly there is not that climate upon earth where the most laborious services might not with proper encouragement be performed by freemen. Bad laws have made lazy men, and they have been reduced to slavery because of their laziness."¹

Montesquieu's theories about the effects of climate, soil, geography, and other aspects of physical environment upon social and political institutions were not wholly original with him. Preceding thinkers, especially Bodin, had pioneered in this line of study, but none before Montesquieu had possessed enough facts to go far. In the light of present-day scientific knowledge Montesquieu's fact-material presents many deficiencies, but he had enough to give the world its first really conclusive treatment of the environmental theory. He was able to trace out definite cause-and-effect relations between temperature, humidity, topography, soil fertility, natural resources, and the social behavior of human beings. He saw, or thought he saw, a clear and unmistakable correlation between physical environment and the characteristics of the population. Some environments he believed, predispose humanity to passivity and indolence, while others make for energy and activity; some foster instability and emotionalism, while others are conducive to solidity and rationality. The most interesting, and perhaps the most generally applauded, of all his theories of environmental influence was

¹ *Ibid.*, pp 240 241.

that pertaining to liberty. At much length and with great ingenuity Montesquieu endeavored to demonstrate that some environments are favorable and others hostile to liberty. The colder climates, on the whole, he thought favorable to liberty; the warmer climates unfavorable. Vast areas unbroken by river systems, mountain ranges, and other natural barriers he deemed uncongenial to liberty as compared with regions where nature had divided the land into sections tending to many small, compact, and largely independent communities. Being quite flattering to the peoples and nations of Europe and North America, who could regard their lands and climes as the natural abode of liberty, these deductions attained a vast popularity.

Nowhere in *The Spirit of Laws* is Montesquieu more in harmony with modern concepts of society than when dealing with laws in relation to the morals and customs of a nation. Every people, he tells us, evolves a general spirit peculiar to itself. To a large extent this is a product of its morals, manners, standards, and customs. In certain departments of life this spirit is more potent than law. It is futile to make laws inconsistent with it, folly to try to modify by law institutions and forms of behavior rooted in the underlying subsoil of social habit. "Hence it follows that when these manners and customs are to be changed, it ought not to be done by laws; this would have too much the air of tyranny: it would be better to change them by introducing other manners and customs."¹ Law, he goes on to say, "is not a mere act of power";¹ it is a rule of action predicated on social relationships. The penalties inflicted by law should derive from the necessities of social relationships. When they do not, the law is bound to be more honored in the breach than in the observance. "Folkways" and "mores" were terms unknown to Montesquieu's generation; fifteen decades or more were due to pass before social scientists would analyze the social process sufficiently to isolate those factors and measure their influence on human behavior. It is a truism of social science to-day that laws running contrary to the folkways and mores of a people are vain and empty words. Montesquieu perceived that truth in 1748, and demonstrated it.

Montesquieu's chapters on economics are interesting because they reveal a mind saturated with ancient doctrines coming to grips

¹ *Ibid.*, pp. 298-299.

with the upthrust facts of a changing order. Accepting, and generally approving, the mercantilist policies of his time, he nevertheless perceived and pointed out the advantages and benefits of free trade. He recognized the function of money in the process of exchange and accurately described the advantages flowing from its use, particularly in international trade. He noted the fluctuations of the purchasing power of specie, and argued that Spain was no richer after appropriating the gold of Mexico and Peru because buying power of gold fell in proportion to the increase of gold in circulation. He distinguished between what he called "real" money and "ideal" money, the former being specie and the latter what is now called representative money. He argued very cogently against price-fixing by legislative fiat and showed that its results were invariably bad. He was opposed to public debts and vigorously combated the theory that a nation could borrow itself into prosperity. He rejected the older theories of interest and anticipated Adam Smith and the classical school of economists in the argument that interest is a legitimate charge for the hire of money and an essential factor in exchange.

Of the relation of the state to religion Montesquieu had a great deal to say. He conceded religion a most important rôle in society, but did not think it the proper function of the legislator to prescribe a religion for the people. Though holding Christianity the truest of all religions, he did not think it equally suited to all societies and governmental systems. The particular conditions in each country should determine the character of its religion. Mohammedanism, for instance, he deemed a more suitable religion for a despotism than Christianity. The Christian religion was appropriate to limited governments, Catholicism for monarchies, and Protestantism for republics. His idea of the proper relation between the state and religion was that of reciprocal action. The state should not invade the sphere of religion unless the authority and influence of religion is weak; the church should not encroach upon the sphere of civil authority unless the political power is weak and insufficient. As to toleration, it was, he thought, primarily a question of expediency. A state was under no obligation to receive all religions or to admit any new religion whatever. It might, indeed, endanger its security by doing so; for "there are scarcely any but persecuting religions that have an extraordinary zeal for being established in other

places (because a religion that can tolerate others seldom thinks of its own propagation) . . .”¹ But if a state should decide to admit a new religion or to have a diversity of religions, it should by all means enforce the rule of toleration, “not only that they shall not embroil the state, but that they shall not raise disturbances among themselves.”¹

IV

“We have had,” said Albert Sorel, speaking of Montesquieu’s place in French literature, “sublimier philosophers, bolder thinkers, more eloquent writers, sadder, more pathetic, and more fertile creators of fictitious characters, and authors richer in the invention of images. We have had no more judicious observer of human societies, no wiser counsellor regarding great public interests, no man who has united so acute a perception of individual passions with such profound penetration into political institutions—no one, in short, who has employed such rare literary talent in the service of such perfect good-sense.”²

A just and splendid tribute, but one which really understates the case.

Montesquieu’s rank among the immortals is not to be determined by comparing him with others. Like Plato, Aristotle, Machiavelli, and Bodin, he stands apart, in unique and solitary eminence. There is no other like him. He was, it is true, a Frenchman of the eighteenth century, limited, as all men are, by circumstances of race, culture, and epoch; but the essence of his work was timeless and universal. He left behind much more than a literary masterpiece, much more than a political philosophy; he left what only a few of the rarest minds in human history have given the world—a method by which his own ideas or those of any other political theorist might be validated. Montesquieu was often mistaken in his facts, often in error in his deductions; but these were petty faults resulting from the inadequacy of his information or the fallibility of his judgment in particular cases. His method, however, was sound; so sound that critics could only complain that he had made politics too complicated. And so he had, for all classes of political speculators who could not be bothered to be scientific. The abstract reasoner, the facile logic-chopper, the hasty empiricist, and all their many breth-

¹ *Ibid.*, Vol. ii, p. 52.

² A. Sorel, *Montesquieu*, pp. 28–29.

ren were ruled out by the clinical method of Montesquieu. Universal reason, universal rules, and universal truth have little place in clinical technique; it seeks the particular meaning of particular facts in particular situations. Generalizations and rules grow out of a given set of facts in a given relation and are good for that alone. The way to truth by this method is not the quick and easy path of pure reason, but the long and tortuous road of tedious investigation, careful analysis, and cautious synthesis. But it is the surest road to truth that man has ever found.

Montesquieu's influence was instant and widespread, though not always in directions he would have wished. Less than two years after the appearance of *The Spirit of Laws* the twenty-second edition of the book was run. It was quickly translated into English, German, Spanish, Italian, and other European languages. Educated persons everywhere read it, discussed it, and drew from it what they would or could. It was attacked, defended, and imitated. But it had less effect in molding the political thought of the eighteenth century than would be expected from its tremendous popularity. The eighteenth century was not ready for a political philosophy which based its conclusions on the objective study of political phenomena; a philosophy which dispensed with ideals, junked natural rights, disregarded sovereign prerogatives, ignored hypothetical social contracts, and sought only to discover and explain the principles involved in the actual working of political societies as they are. Not until the revolutionary turmoils of the late eighteenth and early nineteenth centuries had swept away the accumulated rubbish of the old order could Montesquieu truly come into his own.

Although the deeper effects of Montesquieu's thought were deferred, it would be a mistake to suppose that his immediate influence was insignificant. The eighteenth century could not assimilate the Montesquian philosophy, nor the first half of the nineteenth century for that matter, but they did not escape its influence. Montesquieu was widely read by his contemporaries, but not understood. "Thinkers and politicians," says Sorel, "accepted in Montesquieu what suited their turn, but his method escaped them. They may be seen invoking his authority in details, while despising his spirit; and putting into practice reforms that he advocated, while violating the rules he prescribed."¹ It was inevitable that this should occur, be-

¹ *Ibid.* p. 170.

cause there was something in *The Spirit of Laws* for every interest and every school of thought; something which, lifted from its place in the fundamental structure of the author's philosophy, could be employed as a prop for almost every point of view.

Catherine the Great was an admirer of Montesquieu and declared that his book was her manual of government, but all she ever found in it was a body of precepts to strengthen autocratic power. Frederick the Great read Montesquieu's works with keen insight and followed their counsels just so far as they suited his methods of government. Louis XVI was a professed and probably sincere disciple of Montesquieu, but applied his doctrines so unintelligently as to hasten the Revolution. The authors of the American Constitution were familiar with Montesquieu and adopted his doctrine as to the separation of powers with copy-book literalness, but did not equally value his concept of the general principles underlying republican government. The chief thinkers of the great epoch of revolution which extended from 1789 to 1848 were all acquainted with *The Spirit of Laws*. It was quoted on all sides of the great controversies of that hectic era. Radicals renounced Montesquieu's moderation and gradualism, but found use for his theories of republicanism. Moderates drew from him their strongest arguments against destructively sweeping reforms, but failed to perceive the reconstructive implications of his moderatism. Reactionaries claimed him as their own, but mistook, as an argument for the *status quo*, his emphasis on the idea that every nation has its own peculiar spirit or genius which should not be interfered with by law.

As Montesquieu lay on his death-bed conscious of the rapidly approaching end of life, an attending clergyman addressed to him this consoling thought: "No man, better than you, Sir, can realize the greatness of God." "No man," responded Montesquieu, "knows better the littleness of man." The *littleness* of man and the *greatness* of the web of forces shaping and conditioning the social life of man—these are the central pillars of Montesquieu's political thought. To lay bare the facts of this cosmic process and to instruct men how to use them more intelligently were the objects of his quest. He was famous in his own day, but not understood; he is famous to-day, and better understood, because the historical and evolutionary schools of political thought of the nineteenth and twentieth centuries are the fulfillment of his work. Our admiration

for Montesquieu the thinker is heightened by our admiration for Montesquieu the artist. He approached his task not only in the spirit of a philosopher but also with the deliberate and painstaking craftsmanship of the artist. "If this work meets with success," he wrote in the final paragraph of the preface to *The Spirit of Laws*, "I shall owe it chiefly to the grandeur and majesty of the subject. However, I do not think that I have been totally deficient in point of genius. When I have seen what so many great men, in France, in England, and in Germany have said before me, I have been lost in admiration; but I have not lost my courage: I have said with Correggio, 'And I also am a painter.'"

V

On July 4, 1776, a day not uncelebrated in history, a dying man in Edinburgh entertained his most intimate friends at a farewell dinner. It was not a morbid or doleful occasion, though the host and all his guests fully realized that in a few more days or maybe weeks he would be dead. It was a gathering of old friends and boon companions, eminent citizens of the Republic of Letters. The host was David Hume, since ranked by many as the greatest philosopher who ever wrote in English, and undeniably deserving to be classed with Montesquieu as one of the two most enlightened men of the eighteenth century. At this last supper Hume, despite the intestinal cancer that relentlessly numbered his days, was the life of the party, and communicated his gaiety to the rest of the company. Death might treat a philosopher the same as a fool, but a philosopher at least could die without a whimper. When Adam Smith, who was one of the guests, remarked upon the malevolence of the world, Hume playfully protested that it was not so. "Here am I," he quipped, "who have written on all sorts of subjects that are calculated to excite hostility. But I have no enemies—except all the Whigs, all the Tories, and all the Christians."¹

Humor often depends upon the grotesque way in which it reveals the truth. Though David Hume was far from being universally hated, it was true that few men of his generation had poked up so many nests of hornets. He was the most penetrating critic of the eighteenth century, the most overwhelmingly crushing to all species of prejudice and dogma; and yet a man of great tolerance and

¹ J. Y. T. Greig, *David Hume* (1934), p. 42.

geniality, in whom there was little of rancor or venom even for those who vilified and misused him. When Adam Smith could write of a man, as he did of Hume, "Upon the whole, I have always considered him, both in his lifetime and since his death, as approaching as nearly to the idea of a perfectly wise and virtuous man, as perhaps the nature of human frailty will permit,"¹ one cannot doubt that here was *indeed* a man.

David Hume was born in Edinburgh in 1711. His family was of the petty nobility and possessed sufficient property, with the practice of frugality, to keep them in comfort. But David was a younger son, ineligible to inherit the family estate, and hence was expected to fend for himself. He was given the best preparatory education within the means of the family and at the age of ten was matriculated in Edinburgh College, the nucleus around which the great university of modern times has developed. Hume seems to have pursued the standard classical and philosophical courses then offered, but, following the fashion of the time, did not graduate. At the age of fourteen he took up the study of law, which he found exceedingly distasteful. Out of respect to the wishes of his family he went through the motions of reading law for three or four years, but finally gave it up as a bad job.

What to do? His master passion, as he relates in his autobiography, was to be a literary man—a calling not lavish in buttering any man's parsnips. The family could not sympathize with his ambitions, but were indulgent. He remained at home several years studying and writing as he pleased. Finally the situation became intolerable. He had become an embarrassment to his family and to himself. Rebelling against the straight-laced Calvinism of the Scottish kirk, he was denounced as an atheist and brought down upon his head the wrath of the whole community. He determined to quit Scotland. The family gave him a small allowance and found him a job with a firm of merchants in Bristol. Early in 1734 he journeyed to Bristol, but stayed scarcely long enough to warm an office stool. To tie himself to the humdrum routine of a business career was the least of his intentions. Scotch parsimony would enable him to live on his allowance and be free. And free David Hume resolved to be, comfort notwithstanding.

¹ David Hume, *Essays Moral and Political* (ed. by T. H. Green and T. H. Grose, 2 vols., 1898), Vol. i, p. 14.

For some years a book had been taking form in Hume's mind. He would go to France and write that book. There he could live cheaply and obscurely and yet have access to books and libraries. Accordingly Hume made his way to France in the summer of 1734. After tarrying briefly at Paris, he went to Rheims, where he spent a year of intensive work. Then, desiring still further retirement, he moved to the remote town of La Flèche. There he spent two years of concentrated labor, finishing the book in 1737. It was entitled *Treatise of Human Nature*, and is now acknowledged to be one of the world's enduring masterpieces of philosophy.

At the ripe age of twenty-six, with his first and possibly greatest intellectual creation in manuscript, Hume returned to England to secure a publisher. No luck. He was unknown, without influential friends, and too jealous of his independence to seek a wealthy patron. After a year of peddling his wares, he found a printer who was willing to take a chance. The book made its bow in 1739. If we may believe Hume, no book ever failed more completely. It was "dead-born from the press," he said. Few bought it, fewer read it, and none understood it. Undaunted by this collapse of his hopes, Hume set to work on other things. In 1741 he brought out a collection of miscellaneous papers entitled *Essays Moral and Political*. These random essays caught the popular fancy and sold so well that a second edition, including several additional essays, was issued in 1742. A little fame and, best of all, a little money came to Hume as a result of the publication of the *Essays*. He was no longer a gamble for his publisher. In 1748 he put out a third edition of the *Essays*. A copy of this came into the hands of Montesquieu, who read it and sent Hume a copy of *The Spirit of Laws* as a token of regard. A cordial exchange of letters followed; and Hume assisted in the publication of an English edition of *The Spirit of Laws*, while Montesquieu used his good offices to bring Hume's *Essays* to the attention of French readers. In 1754 a French translation of the *Essays* was published in Amsterdam. This was widely circulated; and on the continent of Europe Hume soon gained a vast reputation as a political theorist. In England, however, the political essays attracted less attention than the religious and moral numbers of the volume, in consequence of which Hume's rank as a political thinker was not so high in England as on the other side of the Channel.

Between the writing of the *Essays* and the publication of the first

volume of his *History of England* in 1754 Hume was variously occupied. He sought and failed to secure a professorship, first at Edinburgh and then at Glasgow. He served for a time as tutor and companion to the demented Lord Annandale. He presided over the Advocates' Library in Edinburgh for some months. He was secretary to General St. Clair on the expedition to France in 1746 and in the embassy to Vienna and Turin in 1748. All the while, however, he was studying and writing, being mainly concerned with the revision and republication in more popular form of the ill-fated *Treatise of Human Nature*.

In turning to the writing of history Hume forsook philosophy and, to a large extent, political theory; but he gained fame and fortune. He was handsomely paid for his historical works and accumulated a substantial fortune. Written with a pronounced Tory bias and virulently critical of England and English institutions, Hume's history was, nevertheless, a literary triumph. Distinguished and fluent in style, it was the first historical work in English to emphasize the sociological and cultural aspects of national life, and to present a comprehensive and correlated survey of historical facts. When translated into French, it greatly embellished the already lustrous reputation of its author on the continent of Europe.

In 1763 Hume was appointed secretary to the British embassy in Paris, which post he retained three years. The salons of Paris hailed him as the greatest literary genius of England and showered flattery and kudos upon him. Hume showed his true greatness by keeping his head and emerging unscathed from this trial of character. In 1766 he returned to England as secretary to General Conway and resided two years in London. Having achieved financial independence, he now took residence in his native city and lived there until his death in 1776. It was during this last phase that he became involved in the famous imbroglio with Jean-Jacques Rousseau. Persuaded by friends of the volatile Genevan to assist in securing him a refuge in England, Hume brought Rousseau with him to England in 1766 and did all he could to see the exile happily established. Paranoiac that he was, Rousseau soon conceived the belief that Hume, under the guise of friendship, was conspiring to ruin him. Publicly charging Hume with bad faith, Rousseau announced that all friendship between them was at an end. This brought a sharp but dignified reply from Hume and impelled him to denounce

Rousseau in letters to friends in France. Both men and their partisans then rushed to print with vindictory letters, articles, and pamphlets. At the height of the rumpus Rousseau's wild imagination caused him to fear that he was marked for assassination, and he hastily fled to France. Hume then tolerantly concluded that Rousseau was crazy and abandoned the quarrel.

VI

Opinion about David Hume, English and American opinion in particular, is often prejudiced by his onslaughts upon religion and his reputed reactionism in politics. Hume was the most devastating anti-religionist of the age. Few defenders of the faith could tilt with him on even terms, and none was really prepared to meet him on his favorite thesis—the social inutility of religion. In common with all the distinguished company of eighteenth-century deists, Hume rejected revealed religion, in fact any kind of religion assuming personal relationships between deity and humanity, as intellectually untenable. Such views were too common among the intellectuals of the eighteenth century to excite the bitter objurgations that fell upon Hume. To true believers Hume was the very incarnation of Satan himself, for he dared to deny not only the intellectual validity of religion but its ethical and moral validity as well. Religion, he said, made men bad—bad individually and bad collectively. It was part of the intrinsic nature of religion, he asserted, to operate against the growth of positive moral standards of the highest character. And he argued the point with great vigor and cogency, finding no dearth of fact material to support his thesis. This was too much for even liberal religionists to tolerate.

In politics Hume was frequently denounced as a turncoat, on account of his apparent swing from Whiggism to Toryism. Actually his turning was more nominal than real. The integrity of his fundamental political ideas was never compromised. What did change was his application of doctrines to particular issues and situations. In early life he called himself a Whig, in later life he wished to be known as a Tory. But he was a Tory in English politics alone, and not a consistent Tory there. He was for the American colonies against the Tory government of the mother country. "In metaphysics," says Greig, "theory of knowledge, economics, ethics and religion, and in politics so far as it concerned Americans,

he deserved rather to be dubbed a Radical: he depended, not upon authority, but upon his own reasonings; he accepted no scheme of things because established and defended by the Fathers; he disintegrated and destroyed many settled notions by an acid logic of his own.”¹ What drove Hume from the Whig to the Tory camp was not a revolution in his own political thinking, but a reaction against Whig fanaticism. Early in life he had distinguished the religious from the political Whigs and Tories. The political Whig was, in his opinion, a lover of law and liberty, moderate in all his views and actions; but the religious Whig was a sentimental and opinionated enthusiast devoid of all liberality and reason. The political Tory was a narrow-minded reactionary set against all progress and reform, whereas the religious Tory was on the whole a person of broad and tolerant views. As he advanced in years and experience Hume found the political Whig increasingly indistinguishable from the religious Whig, and the political Tory more and more akin to the religious Tory. In the shuffling of events and alignments the Tories, in his judgment, had become more rational and liberal; the Whigs less so. So he became a Tory, but did not go with them on questions like the American controversy, in which he believed them irrational and unwise. There was reason, then, for him to say that he was hated by both.

Hume took the position in the *Treatise of Human Nature* that the science of human nature must be treated by the experimental method. The *Treatise* was an endeavor to supply a theory of knowledge compatible with that view. In politics he was not so much inclined to experimentalism, because he was less sure of the method of knowledge in the political sphere. In his political writings, therefore, he was more a destructive critic than a constructive theorist. But in spirit and point of view he was beyond doubt the first truly modern political thinker who wrote in English. Doctrinaire theories and glittering generalities were pulverized by his level-headed skepticism. Dogmas and systems left him cold. Succumbing to the fashion of the age, he toyed with the idea of a perfect commonwealth and wrote a brief essay on that theme. But he was apologetic about it, and remarked that the innovator in politics should “adjust his innovations, as much as possible, to the ancient fabric, and preserve entire the chief pillars and supports of the

¹ *Op. cit.*, p. 376.

constitution," because "An established government has an infinite advantage by that very circumstance of its being established; the bulk of mankind being governed by authority, not reason, and never attributing authority to anything that has not the recommendation of antiquity."¹ Objecting to ideal commonwealths as "plainly imaginary," he presented as "a form of government, to which I cannot in theory discover any considerable objection,"¹ a scheme for grafting republican government on to existing British institutions.

Writing on *The First Principles of Government*, Hume cut straight to the heart of *Machtpolitik* when he pointed out that in the submission of the many to the few "force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular."² Sovereignty, in other words, was for him, as for the political scientist of to-day, primarily a matter of psychology. Opinion, the sustaining prop of sovereignty, he classified under two heads: "opinion of interest" and "opinion of right." The former he defined as the sense of advantage that people have with respect to a given political system and the persuasion that no other government which might be substituted for it could be more advantageous. The second type of opinion consisted, he averred, of a sense of right to power and right to property. The sense of right to power might originate in various ways, but was invariably an outgrowth of long established political arrangements. The sense of right to property required, he supposed, no comment; all political writers recognized the importance of property in the foundation of political institutions, and many were inclined, mistakenly, to esteem it the sole or principal foundation. Corollary, though secondary, to these factors in the formation of opinion were self-interest, fear, and affection. These could modify and condition the operation of the basic factors, but could have no force without the preëxistence of the basic factors.

The modern political scientist knows more about the interplay of psychological forces in the determination of political behavior than did Hume, and has a more adequate vocabulary to describe the phenomena he observes, but in fundamental concepts he has

¹ David Hume, *Essays Moral and Political*, *op. cit.*, pp. 480-482.

² *Ibid.*, p. 110.

not yet proceeded far beyond the underlying postulates of the heretical philosopher of Edinburgh.

Explaining the origin of the state Hume strikingly anticipated the modern sociological and historical schools of political thought. Political society is begotten, he asserted, of the necessity to administer justice, but does not spring into existence full-born. "Government commences more casually and more imperfectly. It is probable, that the first ascendant of one man over multitudes began during a state of war; where the superiority of courage and genius discovers itself more visibly, where unanimity and concert are most requisite, and where the pernicious effects of disorder are most sensibly felt. The long continuance of that state, an incident common among savage tribes, enured the people to submission; and if the chieftain possessed as much equity as prudence and valour, he became, even during peace, the arbiter of all differences, and could gradually, by a mixture of force and consent, establish his authority." ¹ Following that, "opinion," as described above, came into play and perfected the foundation of authority. It was an amazingly shrewd guess, and agrees in substance with the views of a great number of modern students of political origins.

Hume's rare insight into the bases of political motivation is further manifested in his treatment of the subject of distribution of power. It is a correct political maxim, he informs us, "that every man must be supposed to be a knave," ² though in fact no such thing is true. The explanation of the paradox lies in the fact "that men are generally more honest in their private than their public capacity, and will go to greater lengths to serve a party, than where their private interest alone is concerned. Honour is a great check upon mankind: But where a considerable body of men act together, this check is, in a great measure removed; since a man is sure to be approved of by his own party, for what promotes the common interest; and he soon learns to despise the clamour of adversaries. To which we may add, that every court or senate is determined by the greater number of voices; so that, if self-interest influences only the majority (as it will always do), the whole senate follows the allurements of this separate interest, and acts as if it contained not one member who had any regard to public interest and liberty." ² If we would counteract this natural and inevitable tendency to

¹ *Ibid.*, pp. 115-116.

² *Ibid.*, pp. 118-119.

knavery, Hume reasons, we must skillfully divide and distribute the powers of government so that the separate interest of each group can be realized only when it concurs with the general public interest. Failure to do this, was in his opinion, the chief defect of the British constitution. Too much power was concentrated in the House of Commons.

Of political parties Hume had a very poor opinion. Their influence, according to him, was directly contrary to that of laws—disturbing, demoralizing, destructive. Originating though they do in differing attachments respecting persons or interests, “Nothing is more usual than to see parties, which have begun upon real differences, continue even after that difference is lost. When men are once enlisted on opposite sides, they contract an affection to the persons with whom they are united, and an animosity against their antagonists: And these passions they often transmit to their posterity.”¹ The British system of government, Hume said, was so constituted as to be especially productive of party divisions and to perpetuate these long after the original cause of division had disappeared. The balance between the republican and monarchical elements of the constitution was so delicate and uncertain, the differences of interest between various classes of the population so marked and continuing, that the party system was an unavoidable affliction. Whigs and Tories both, he pointed out, had boxed the compass of principle, but were still vigorously contending for power.

On the stormy subject of liberty Hume, who loved liberty as much as any man alive, declined to traffic in balmy abstractions or categorical absolutes. Regarding controversial topics in politics he was apt, he warned his readers, “to entertain a suspicion that the world is still too young to fix many general truths in politics, which will remain true to the latest posterity,”² and hence “that no man in this age was sufficiently qualified”² to make a valid comparison of civil liberty and absolute government. To his way of thinking the essence of liberty was not so much freedom as order, security, and justice. Free government might or might not constitute a sure guarantee of these things; it must also be admitted that there were instances of absolute governments in which property was secure, industry was encouraged, arts flourished, and order and justice

¹ *Ibid.*, p. 129.

² *Ibid.*, pp. 156–157.

firmly founded. All forms of government were capable of improvement and were being improved; but monarchical government seemed to have some advantages over republican government in respect to liberty. It was more stable, more continuous, and more congenial to steady advancement in the essentials of true liberty. Free governments in the past had been given to excesses ruinous to liberty—such as “the practice of contracting debt, and mortgaging the public revenues, by which taxes may, in time, become altogether intolerable, and all the property of the state be brought into the hands of the public.”¹ A danger, be it noted, that has not wholly disappeared in the twentieth century.

Perhaps the best piece of critical writing Hume ever did was his essay on *The Original Contract*. The controversy between the divine origin theorists and social contract theorists amused him greatly. Both sides were blowing soap bubbles, he thought; both doctrines were purely speculative—equally rational, equally devoid of factual foundation, equally absurd in practical consequences.

If all that happens is comprehended in the plans or intentions of God with regard to the world, the divine origin theory is true. It could not be true in any other sense, he was sure. But even though true in the sense above stated, it was preposterous and made God ridiculous. For, said Hume, it made God as much responsible for bestowing power upon an unspeakable tyrant as upon a wise and benevolent ruler, and further meant that a constable, no less than a king, “acts by divine commission, and possesses an indefeasible right.”²

The contract theory, even more plausible than the divine origin theory, was shown to be quite as fallacious. In the sense that nothing short of popular acquiescence could enable a ruler to associate a people together and subject them to authority, it could not be denied that the contract doctrine was correct. But to deduce from that, as many of the contract theorists did, that contemporary rulers had no authority save by the consent of their subjects, or that subjects were freed from the duty of obedience whenever they chose to hold their rulers derelict in their contractual obligations, was, said Hume, utterly foolish. To postulate a contractual relationship between rulers and subjects, there being no specific and recorded agreement to which reference might be made, required inferences

¹ *Ibid.*, p. 162.

² *Ibid.*, p. 444.

without any foundation in possible or probable fact. You had to infer either that the original contract, supposititiously made at some remote time in the past, was binding not only upon its makers but upon all future generations, or that each subsequent generation had voluntarily (by implication) given its consent. Both hypotheses were unsupported by any shred of objective fact, and, if true, only served to expose the absurdity of the contract theory. If you assumed the original contract binding on succeeding generations, you ruled out the possibility of self-determination; if you assumed the implied consent of each generation of subjects, you legitimized the very authority you wished to deny.

The true interpretation of the social contract, Hume pointed out, should be historical and sociological. "No compact or agreement, it is evident, was expressly formed for general submission; an idea far beyond the comprehension of savages: Each exertion of authority in the chieftain must have been particular and called forth by the present exigencies of the case: The sensible utility, resulting from this interposition, made these exertions become daily more frequent; and their frequency gradually produced an habitual, and, if you please to call it so, a voluntary, and therefore precarious, acquiescence in the people."¹ Virtually all governments of which there was any record in history, he showed, were founded without any pretense of open and voluntary consent of the people. Even when force or fraud were not employed to obtain the initial submission, the situation was invariably such that the people had to choose between submission and the more terrible alternative of the complete dissolution of all government. "It is vain to say, that all governments are or should be founded on popular consent, as much as the necessities of human affairs will admit. . . . I maintain that human affairs will never admit of this consent; seldom of the appearance of it. . . . My intention here is not to exclude the consent of the people from being the one just foundation of government where it has place. It is surely the best and most sacred of any. I only pretend, that it has very seldom had a place in any degree, and never almost in its full extent."²

If not consent, what then is the true basis of authority? The answer, according to Hume, is societal evolution. He did not use that phrase, but he described the fact. And what is more impor-

¹ *Ibid.*, pp. 445-446.

² *Ibid.*, pp. 449-450.

tant, he showed how political society might develop so that consent, from being a minor and largely negative factor, might emerge as a paramount factor. "Did one generation of men go off the stage, and another succeed, as is the case with silkworms and butterflies, the new race, if they had sense enough to choose their government, which surely is never the case with men, might voluntarily, and by general consent, establish their own form of civil polity, without any regard to the laws or precedents which prevailed among their ancestors. But as human society is in perpetual flux, one man every hour going out of the world, another coming into it, it is necessary, in order to preserve stability in government, that the new brood should conform themselves to the established constitution, and nearly follow the path which their fathers, treading in the footsteps of theirs, had marked out to them. Some innovations must necessarily have place in every human institution, and it is happy where the enlightened genius of the age gives these a direction to the side of reason, liberty, and justice. . . ." ¹ Subjects, in short, must consent to authority and consent to obey, not because it is a religious duty or because they have definitely agreed to do so, but because it is the only way society can exist; the only way, indeed, that society can advance from lower to higher forms of civilization. In this way Hume made the Whig doctrine of original contract do service to the Tory doctrine of passive obedience, though he was far from being an unqualified exponent of the latter. That resistance might be justified in certain cases he candidly admitted. The only question was as to the degree of necessity for resistance. Hume was so keenly aware of the appalling destructiveness of revolution that he would not grant that any but the most extraordinary circumstances could warrant resistance.

No account of Hume's political thought would be complete without some mention of his economic writings. Six of the *Essays Moral, Political and Literary* dealt with commerce, money, interest, taxes, public credit, and kindred economic subjects. On the subject of money Hume rejected the theories of the mercantilist school, which confused money and wealth, and treated money realistically as a medium of exchange. His discussion of the correlation of money and prices was a distinct advance in economic thought. Equally

¹ *Ibid.*, p. 452.

acute was he in analyzing the phenomenon of interest. The old theory that low interest proceeds from an abundance of money he criticized as unsound, and demonstrated that interest rates depend not upon one but several interrelated factors in the economic life of a nation. Generally favoring free trade, he made reservations nevertheless in instances where he thought protection necessary to further certain specific trade policies. As to taxes, he argued that consumption taxes, particularly on luxuries, were best. For public debts, especially those created by the sale of securities, he had a profound distrust. The inflationary effect of such debts was as bad, he thought, as the issuance of fiat money, and had the additional disadvantage of creating a leisure class of public bondholders. There was, in his opinion, no surer way to bring a nation to ruin than by piling up public indebtedness.

VII

No school of political thought, no resplendent body of doctrine, is associated with the name of David Hume. He was not that kind of political thinker. Discovery and creation were not in his line. He was an appraiser more than a formulator of political ideas. He analyzed political doctrines, clarified them, put them on trial, and made hash of such as could not survive the test of rational criticism. His philosophy has been called one of the most powerful dissolvents of the eighteenth century.¹ It was a needed dissolvent, however, and prepared the way for Adam Smith, Burke, Bentham, Spencer, Maine, and all who follow in their footsteps.

Like Montesquieu, Hume aimed not to destroy but to conserve and improve the old order by intelligently gradual reforms. Like Montesquieu, he was doomed to fail, and to be in some measure a factor in the ruin of what he sought to preserve. Like Montesquieu, further, he was destined to exert a tremendous influence in the period of reaction and reconstruction following the French Revolution, and to prepare the ground for much of the characteristic political thought of nineteenth-century industrialism. And in common with Montesquieu he deserves to be recognized as a genius of political insight and a perfect representative of the *Aufklärung*.

¹ R. G. Gettell, *History of Political Thought* (1924), p. 249.

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CHAPTER XVIII
NATURE'S CHILD

I

REASON could not win. The "enlightened genius of the age," to which Hume and Montesquieu pinned their faith, was greater than in any previous century, but it could not function. It was bogged down in the trammels of an obsolete and decadent political system. When that system collapsed, reason was trapped in the ruins. Unreason could function—and did, mightily. Intuition, sentimentalism, and romanticism required no factual foundation; called for no intellectual discrimination; had small need to compromise with actuality; were cumbered by no crushing complex of established institutions. Their appeal was straight to the feelings of men, and the feelings of men in the eighteenth century demanded a mighty change.

Yet the eighteenth was not in reality an unusually hard century to live in. Compared with many that preceded and some that followed it, the eighteenth century stands relatively high in enlightenment, tolerance, and human well-being. Gallons of purple ink have been spilled in descriptions of the grinding misery of the masses in pre-Revolutionary Europe (especially in France) and of the outrageous tyrannies visited upon them. Conditions were bad, undoubtedly; but not so bad as they had been, nor so bad indeed, in some respects, as they were yet to become. Even in France, where the tornado first struck, though discontent was universal, there was no such universal wretchedness as sentimental historians have been wont to depict.

The French peasantry had many real grievances (when has the farmer not had grievances?). Their lot was one of incessant toil and frugality; but the great majority had been emancipated from serfdom, a constantly increasing number of them owned the land they tilled, and most of them enjoyed creature comforts superior to those of their forefathers. Not hopeless even was the status of the agricultural laborer. His wage was not less than elsewhere in Europe, nor less proportionately than in post-Revolutionary times. Many a farm hand was able to save enough to buy a small piece of land.

Townsmen had their grievances too, but their condition was far from abject poverty and servitude. The professional and commercial classes had many valuable privileges, and many were able to accumulate substantial fortunes. The working classes, though less advantageously circumstanced, were no more exploited and lived on no lower level than the workers of nineteenth-century industrial society. The French nobility were hated by the lower classes no more on account of wrongs perpetrated by them than by reason of their strutting pretensions to power they did not actually have. The clergy were also despised, though they had long since foregone most of their claims of temporal authority and had largely ceased the persecution of heretics and dissenters. The crown was likewise unpopular—as much because of abuses from its failure to govern as because of its deliberate tyrannies.

No, the French Revolution was not an explosion that occurred because the condition of the masses had become unbearable. They had borne much worse in former times, and would bear as bad or worse conditions in times to come. The French Revolution came because institutional structures which for generations had held in equipoise the dynamic forces of society rotted and crumbled. When these retaining walls went down, the tumultuous stream of social forces leaped its banks and swept all before it. Reason would have kept it carefully diked and channeled—reinforcing weakened buttresses, relieving dangerous pressures, artfully taming its torrential pace, slowly and gently conducting it to its appointed goal. But reason did not hold office or wield power. It could criticize but not correct the deficiencies of the ancient order.

In France and generally throughout Europe there was a seething discontent. Injustice and tyranny were no more prevalent than before—less so, in fact—but, as the eighteenth century ran on, men became increasingly unwilling to endure what formerly had seemed tolerable, if not inevitable. Ideas and standards of life were being revolutionized. The very great and genuine advancement of human well-being which distinguished the late seventeenth and early eighteenth centuries satisfied no one; in truth merely sharpened the desire for rapid and sweeping change. Having tasted the fruits of amelioration, men wanted to shake the tree and gather the whole crop at once. Utopia beyond the skies or in some remote

century would not do. What use merely to dream of a better world? Let it become a fact, here and now.

Thus developed the psychosis of revolution. Every ancient institution, every special privilege, every social maladjustment that delayed the dawn of the millennium became an obstacle to be struck down. What before had been accepted as unfortunate but necessary in the order of things, now became unspeakable oppression, fundamentally and diabolically wrong. The comfortable bourgeoisie developed even greater heat than the submerged proletariat. They were educated, articulate, and deeply conscious of discriminations suffered at the hands of the more favored classes. The cool and balanced reason of a Hume or a Montesquieu might point the true and practical way to better things, but that was not the direct and immediate way. Passions were inflamed, and reason speaks a language that passion does not follow.

And there was no lack of writers whose appeal was principally to the emotions. Voltaire, with his bitter shafts of satire; Diderot, with his effervescent brilliance; Helvetius, with his contagious irreverence; Holbach, with his solemn sincerity; Chastellux, with his irradiant aspirations; d'Argenson, with his reformist enthusiasms; Morelly, with his communistic dreams—these and many of lesser renown made men feel their wrongs and passionately desire to set them right. But of all the purveyors of sentimentalism none had so great an influence, none had such witchery with words, as the sublime lunatic, Jean-Jacques Rousseau. Just prior to the French Revolution, says Albert Sorel, every enlightened Frenchman had in his library the works of Voltaire, Buffon, Montesquieu, and Rousseau. The last two were the most consulted, he states, Montesquieu furnished the most quotations, but Rousseau gained the most disciples.

II

Biographies of Rousseau can only approximate the truth. He did not tell the truth about himself. In his morbidly self-revealing *Confessions* he tried to do so, and thought he had. But he was utterly incapable of knowing himself or of discriminating between fact and fancy. Nor did any of his close associates understand or interpret him much more adequately than he did himself. The modern science of abnormal psychology is a great aid in probing the dark

recesses of Rousseau's mind and genius, but with all this newer light much darkness still remains. Neurotic all his life, much of the time definitely psychopathic, and in the later phases certainly paranoiac—Rousseau defies explanation. Nature's child, he called himself; and that, perhaps, is as near the truth as we may hope to come.

Born at Geneva, Switzerland, June 28, 1712, Jean-Jacques was the offspring of respectable, commonplace parents, who endowed him chiefly with handicaps. The father was a watchmaker, amply competent in his trade, but volatile and thriftless. The mother, charming daughter of a Protestant pastor, died of puerperal fever following the birth of Jean-Jacques. Kinfolk cared for the motherless boy up to his tenth year—lovingly, but most haphazardly. When he was ten, his father wounded another citizen in a street-fight and fled from Geneva to escape punishment. Young Rousseau was then taken into his mother's family and put to school under a pastor at Boissy. After two years he was brought back to Geneva and apprenticed to a notary, only to be dismissed after a few weeks because his master despaired of his ever being able to learn that simple calling. Then he was apprenticed to an engraver, who succeeded, by dint of many beatings, in forcing the young good-for-nothing to learn the rudiments of the engraving trade. But, when he was sixteen, Rousseau rebelled and ran away, thus beginning a wandering career that lasted to the end of his life.

A tramp and beggar, fleeing from Geneva to escape capture and return to the hated master engraver, Rousseau chanced to call at the door of the Catholic priest at Confignon (just over the border in Savoy) and ask for food. He was taken in, generously fed, and in a jiffy converted to the Roman faith. The priest then sent him to a Madame de Warens at Annecy, a young widow whose good works included caring for homeless proselytes. She kept him a few days and sent him on to a monastery at Turin, where he was to be suitably educated as a Roman Catholic. But the amiable lady was not, as she may have supposed, rid of this vagabond youth. Fate had decreed that the lives of Rousseau and Madame de Warens should be long and strangely intertwined. At Turin Rousseau did not get along well. His conversion had been more of the stomach than the heart, and he found the régime of the monastery quite repellant. Indocile pupils were not kept; and Jean-Jacques was soon turned

out. He found employment for a time as a domestic servant in Turin, but got into trouble and had to quit. Having conceived a schoolboy "crush" on Madame de Warens, though she was thirteen years his senior, Rousseau made his way back to Annecy and appeared again at her door.

Madame de Warens took him in again and decided to give him an education. To this end she placed him in a near-by seminary, where he spent some months studying the classics and music. In the spring of 1730 Madame de Warens sent him on a trip to Lyons, apparently hoping to be rid of him. When he returned, he found that she had gone to Paris without leaving an address. What ~~do~~ do? Find Madame de Warens, of course. Vagabonding was a pleasure anyhow. So Rousseau took to the road again and roamed the country far and wide in search of his beloved. In 1731 he found her comfortably established at Chambéry. Such devotion could have but one reward. The kind lady took him in, not merely as a ward but as a lover. He lived with her and largely on her bounty until 1740.

The de Warens household was a strange one. Nominally a Protestant converted to Catholicism, Madame de Warens seems to have been in reality a deist with highly unconventional ideas of morality. A lively, though highly irregular, intellectual atmosphere prevailed in her circle of intimates; and the impressionable Jean-Jacques during his liaison with her acquired a weirdly assorted stock of ideas. In 1737 he made a brief visit to Geneva to receive his small portion of his mother's dowry. Though not long away from Chambéry, he was gone long enough for his goddess to take another lover. She was broad-minded, though. When Rousseau returned she welcomed him and bade him remain as second-place lover, which for a time he did.

But his neurotic nature could not stand the strain of second rank. He became ill and set off to Montpellier to consult a famous physician. Having an eye for psychic as well as physical maladies, the doctor refused to prescribe any medicine. He tried suggestion and diet, but the patient was soon bored and pleading to return to his beloved patroness. She wrote him to stay where he was, but by February, 1738, he could endure the torment no longer and returned to Chambéry in disregard of Madame de Warens' wishes. This time she refused to take him in, but made arrangements for him to live on the neighboring property of Les Charmettes. Here Rous-

scau resided for two years, mostly in solitude. Books were his chief companions, and it is probable that most of his philosophical education was acquired in this rustic retreat.

By 1740 Rousseau had become convinced that he had no longer a place in the life of Madame de Warens and cast about for something to do. Through Madame de Warens it was arranged for him to go to Lyons as a tutor in the family of a certain Monsieur de Malby. He proved to be a poor teacher and hated the work. After a year he resigned, paid a brief visit to Madame de Warens, vagabonded a while, and in August, 1742, turned up in Paris. Using friendships and contacts acquired in the provinces, he managed to get along, and shortly came under the eye of the influential Madame de Broglie. Admiring some of his poetic effusions and thinking he might have a future, she pulled the wires and got him appointed secretary to the French ambassador at Venice. He spent eighteen months in Venice, but could not get along with his chief. In August, 1744, he was dismissed and returned to Paris.

Talent could take a man far in the Paris of the 1740's; influence could take him farther. Talent and influence together constituted a sure-fire recipe for success. Jean-Jacques had few resources in the way of influence; just enough, with obsequious and assiduous cultivation, to keep himself from starvation and get a little recognition. His talents did the rest. During his first years in the metropolis Rousseau was scarcely more than a polite beggar, managing now and then to pick up a few sous copying music and doing literary hack-work. Haunting the cafés, boulevards, and salons he gradually widened his circle of acquaintances among the educated classes and gained friends who could give him an occasional boost. During this period he took as his mistress the illiterate laundress, Thérèse Levasseur, who was to be his companion for life and whom in 1770 he would finally marry—after she had borne him five children, all of whom were disowned and sent to the foundling asylum.

In 1745 Rousseau wrote an opera which, through the influence of friends, he managed to get performed in one of the noted salons of the city. This gave him some repute and advanced his standing in literary circles. By 1746 he had come into contact with Diderot and d'Alembert, and was invited to write for the projected Encyclopedia. In 1750 came the event which raised him from obscurity and transformed him into a world figure. Accidentally reading in the

Mercure de France, in October, 1749, the announcement of a prize offered by the Academy of Dijon for the best essay on the question whether the advance of the sciences and arts had purified or corrupted morals, Rousseau resolved to try for the award. He immediately fell into a trance, he tells us in his *Confessions*, and in a flash of inspiration perceived a great truth—“That man is naturally good and that our social institutions alone have rendered him evil.” Setting to work at once on this theme and writing with the fervor of a religious zealot, he quickly composed his essay and sent it in. In August, 1750, the award was announced. Jean-Jacques Rousseau had won the prize of a gold medal and 300 francs. At a bound he had leaped from obscurity to fame.

The glamorous career which now beckoned was one to which the erratic genius of Rousseau was unequal. Much as he relished fame and adulation and even money, he could not live according to the way of normal men. He could not work as other men worked, love as they loved, fight as they fought, or play as they played. Abnormal physical and mental health made him eccentric—the victim of complexes and delusions. A good position in the receiver general's office was made for him; but he gave it up. Writing was the only work he was fit to do; and that only as emotion moved him. In 1754 he returned to his native city, was received with a great ovation. Formally renouncing Romanism, he again accepted the Calvinistic creed, and was restored to citizenship in the Republic of Geneva. This sensational gesture concluded, he went back to Paris and became a ward of the famous Madame d'Epinay. The next eight years were mostly spent in the little cottage at Montmorency which she provided for him. These were the years in which he wrote his greatest books—*The New Héloïse*, *Émile*, and the *Social Contract*.

The tremendous vogue of Rousseau's writings and the revolutionary character of his doctrines finally stirred the comatose authorities of the Old Régime to action. In 1762 his books were condemned and his arrest ordered. Even in Geneva his books were burned, and the officers of the law instructed to seize him if he entered Genevese territory. Many refuges were open to him, but he chose to settle in a little village near Berne, in Switzerland. Unhappy in this exile, he decided to accept the offer of English friends, including the philosopher Hume, to provide a home for him in Eng-

land. Journeying to London with Hume in 1766, he was lionized in London, and finally found a home on a small country place in Derbyshire. The year in England was the most tragic episode of Rousseau's life. With insanity slowly fastening its grip upon him, he managed to quarrel with pretty nearly all his benefactors, and finally turned on Hume with accusations of treachery that precipitated the sad controversy described above. Under the preposterous delusion that his life was in danger, Rousseau in May, 1767, secretly fled to France; whereupon the hearty and tolerant Hume wrote a letter to Turgot beseeching his aid and that of the French government in the protection of the demented exile.

Eleven years of life remained—eleven years of wandering and gradual lapse into deeper insanity. The simple Thérèse stayed with him through it all, and in 1770 he made her his wife. The authorities seemed to have forgotten him; old friends and admirers provided for his simple needs; and he went his way undisturbed. Lucid intervals came and went; but sane or insane he continued to write, and with no loss of literary power. The *Confessions*, the *Dialogues*, and the *Reveries*, and the *Considerations on the Government of Poland* are among the products of this final phase. At last, on July 2, 1778, a stroke of apoplexy took him off.

III

The Year I, month of Frimaire. By order of the Commune God is dethroned and all the churches of Paris are closed. It is decreed that all Frenchmen shall hereafter worship Reason. The Cathedral of Notre Dame is refitted for the new religion—converted into a temple of Reason. To inaugurate the new faith, a beautiful girl from the Opera is chosen to impersonate the goddess of Reason and after elaborate ceremonies is enthroned in the choir of the ancient church. All former things have passed away. Reason reigns supreme.

Not, however, the dispassionate reason of Montesquieu, but the furious reason of Rousseau—the reason of feeling, of sentiment, of impulse, of romanticism, of revolution. The man of empurpled imagination—the man of dreams and hallucinations, of trances and rhapsodies, of inspirations and ideals—had won the day. The man who glorified primitive ignorance, and argued that the arts and sciences spring not from our virtues but our vices; who scorned astronomy as the child of superstition, geometry as offspring of

avarice, physics as the product of vain curiosity, and morals as the upshot of perverted pride—that half-mad genius, Jean-Jacques Rousseau, had done an incredible thing. He “may be said,” in the words of Hilaire Belloc, “to have grasped all the material of the time and to have worked in it that mysterious change whereby the inorganic clusters into organic form, lives and can produce itself.”¹

“That mysterious change” was not in fact so unfathomably mysterious as Mr. Belloc would make it seem. What Rousseau had done, with consummate artistry and eloquence, was to say what multitudes of people had long been feeling but had not the ideas and language to express; and to supply an overwhelmingly plausible rationale for these long-suppressed popular sentiments. Thus giving tongue to the wrongs and frustrations, grievances and disillusionments, sufferings and aspirations of the masses, he made them feel more strongly and more unitedly, and thereby girded them for action. Unscientific and unlearned, not philosopher, not even a student of passable attainments, he was a theorist of matchless appeal and unquestionably the most powerful propagandist who ever drew a quill. The amplified voice of millions who wanted change, he spoke with demonic fury and yet with a dulcet persuasiveness that enslaved the will like the magic tunes of the Pied Piper of Hamelin.

A further source of his power was his lowly origin and his humble, mendicant way of life. He was not merely the people's advocate, he was bone of their bone and flesh of their flesh. Off and on a vagrant all his life, he mixed freely with the common folk, shared the vicissitudes of their lives, felt as they felt, took an ignorant laundress as his mistress and forced haughty ladies and great gentlemen to treat her with respect. When fame came his way, and opportunity for wealth, he remained the hapless and improvident Rousseau of the vagabond days, affecting poverty even when he was not poor and a guileless simplicity even when he was most subtle. His plain Armenian garb in the midst of the dress-parade of eighteenth-century drawing-rooms, his fierce passion for independence (never realized), his eternal persecution complex, and his obvious inability or unwillingness to climb when he had the chance—these all exalted him in the eyes of plain people. Such a man they could trust and believe.

¹ Hilaire Belloc, *Robespierre* (1901), p. 28.

The political thought of Rousseau makes sense only when viewed as protest and wish-fulfillment. As protest it was sublime. As wish-fulfillment it was perfect. Treatment and embellishment changed as he went along, argument varied and stumbled, doctrines were as curiously mixed as a mulligan stew; but the underlying thesis never changed. It was the grand idea, the trance-inspired postulate of the prize-winning *Discourse on the Arts and Sciences*—that man is by nature good and has been degraded by the impact of social institutions. Theme-song of all his political writings, that obsessive doctrine thrust itself to the fore even when he wrote, as in the *Social Contract*, to prove the necessity of civil society. “Man is born free,” proclaims the opening sentence of the *Social Contract*; “and everywhere he is in chains.”¹ How does this come about, the writer inquires? Can it be legitimate? Not, he replies to his own question, if it is based on force. Compelled by force to obey, a people is justified in resorting to force to recover its liberty—what the sword gives the sword may take away. “But the social order is a sacred right which is the basis of all other rights. Nevertheless this right does not come from nature, and must therefore be founded on conventions.”¹

“Give us back ignorance, innocence, and poverty, which alone can make us happy . . . ,”² Rousseau had pleaded in the *Discourse on the Arts and Sciences*. But his plea was not for the ignorance, innocence, and poverty of man in society. That would be folly—degradation. It was the ignorance, innocence, and poverty of pre-social man, the unspoiled child of nature, that Rousseau sought to recapture. In the primitive state of nature, as pictured in his fertile imagination, men lived “free, healthy, honest and happy lives.”³ All they needed to know nature taught them; all they needed to possess or use nature provided. Crude and unsophisticated they undoubtedly were, but pure and noble. Living according to the precepts of nature, they were robust and healthy; guided by natural instincts, they were unsullied by immorality; seeking to acquire only what was demanded by their natural needs, they accumulated no property and were free of the corrupting struggles of commerce and industry. Living in this state of happy savagery men enjoyed substantial equality; there were few relations to beget

¹ Rousseau, *Social Contract and Discourses* (Everyman's Library, 1913), pp. 5–6.

² *Ibid.*, p. 152.

³ *Ibid.*, p. 214.

inequality. They were free, because there was no occasion for oppression, no means for its accomplishment.

Had the talents of individuals been equal, this idyllic state of nature might have been maintained. But some were stronger than others, more industrious, more skillful, more crafty, and more selfish. With such faculties the more gifted individuals contrived to outdo their fellows—invented arts by which, with less labor, they could produce or acquire more than their less fortunate brethren, appropriated land and goods to their exclusive use and enjoyment, accumulated riches, and gained permanent advantages over the mass of men. Then, by clever sophistry, the rich persuaded the poor to join them in setting up a commonwealth, ostensibly to guard the weak, restrain the ambitious, and secure every man in his possessions, but actually to legitimize and perpetuate the dominion of the rich over the poor. "Such was, or may well have been," said Rousseau in the *Discourse on Inequality*, "the origin of society and law, which bound new fetters on the poor, and gave new powers to the rich; which irretrievably destroyed natural liberty, eternally fixed the law of property and inequality, converted clever usurpation into unalterable right, and, for the advantage of a few ambitious individuals, subjected all mankind to perpetual labour, slavery and wretchedness."¹

The starting point of reform—not only political reform, but all reform; economic, social, moral, hygienic, educational—was to Rousseau, therefore, as plain as a giant signboard. Get back to nature, and follow nature's laws. That was the beginning of all wisdom. No more in his political than in his non-political writings did he harp away on that idea. Shorn of their romantic embroidery and lyric extravagances, the *Émile* is but a plea for naturalism in education and the *New Héloïse* an argument for the same thing in morals. To every problem approached in his voluminous works is applied the same sovereign remedy.

But by the time he came to write the *Social Contract* Rousseau recognized the impossibility of a return to nature in civil society. The golden age of equality and justice was a lovely dream, but not a real hope. In the wilds of America the noble savage might yet enjoy the boon of ignorance, innocence, and poverty, but in Europe men were inextricably prisoned in the tangle of civilization. Return

¹ *Ibid.*, p. 221.

to nature was out of the question. If there was any salvation for Europe, it must be found in principles of political obligation which would reconcile authority and liberty, remove inequality, furnish a basis for pure justice, establish natural rights, and so far as practicable restore to men in society the benefits of the pre-political state of nature. To the task of conducting an inquiry into the nature of the state and discovering the essential principles of truly legitimate political society, the eloquent Jean-Jacques set himself in the *Social Contract*. The sub-title of the book was *Principles of Political Right*. It would have contributed to a better understanding of the author's purpose if that had been the sole title.

He is no longer content to cry, "Back to nature!" In politics, he knows full well, that can never be. What he now seeks is a formula to explain political society in terms agreeable to the rights and interests of the common man and a philosophy of democracy that will rationalize for man in society the liberty and equality of pre-social existence.

The needed formula was easy to find. The social contract theory lay at hand ready for use. More than a century of amplification and reiteration in the hands of such renowned publicists as Locke, Hobbes, Grotius, and Pufendorf had made it generally known, if not generally understood. The philosophy was not so easily come upon. A ready-made philosophy of democracy did not exist. Locke had come as close to contriving such a philosophy as any man. On the matter of liberty he left little to be desired, but on equality he was sadly deficient. He gave it no place at all in his scheme of things—was, in fact, an aristocrat. Rousseau was therefore faced with the necessity of evolving a democratic philosophy of his own, one suitable to the building of a thoroughly democratic society. Being a theorist rather than a scholar—a romantic theorist at that—he did not proceed by the method of compiling and comparing facts and then drawing conclusions. His method was that of abstract speculation, and he used facts only to fortify his theoretical postulates. Facts he ever regarded as unreliable, non-essential, and evanescent. His quest was for underlying principles that were fixed and unchangeable.

Had Rousseau been as good a logician as he was a rhetorician he might have produced a theory of democracy that could have withstood the assaults of criticism and provided a rational working basis

for popular government. Romanticist that he was, he stumbled often and badly, throwing himself open to ridicule and contempt. Yet he was so passionately sincere and so eloquently sure of the attainability of his dreams that his power as a propagandist suffered little by reason of his lapses in logic. To the people of his generation he spoke more as a prophet than a philosopher, and aroused the enthusiasm and veneration that attends the seer. "Women would fight," says Josephson, "to secure a glass he had drunk from, a piece of cloth he had knitted. The great people of the kingdom . . . sought his acquaintance, and a generation of youth, even of aristocratic youth, soon grew up largely under his maxims."¹ He was in truth the founder of a cult, and a cult has small need either of facts or logic.

In the *Social Contract* he waxes rapturous about the golden age of ignorance and innocence, but does not dwell upon it as in his other works. His direction now is forward, not backward. He is pointing the way to the transformation of contemporary society so that men will be as free and equal as they were in the state of nature. Civil society is a stubborn fact that cannot be waved aside, or magically replaced by aboriginal conditions. But how did it originate and upon what principles was it founded? "Since no man has a natural authority over his fellow, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men."² A well-worn axiom that, accepted by the great majority of eighteenth-century political thinkers, absolutist and libertarian alike. The crux of the matter lies in the nature of the agreement by which society was erected. Did men bargain away their freedom and equality? Grotius had said they could and Hobbes that they did.

They are wrong, Rousseau declares. To say that a man gives himself gratuitously to another is absurd; only a crazy person would do that, and such a one cannot be held on his contracts. To say that a man sells himself to another, assumes a *quid pro quo*. What does the supposed seller get from his rulers? Protection? Peace? In name, yes; but in reality he gets war, extortion, oppression, and other miseries worse than the dissensions of the pre-civil condition. Did men ever knowingly and willingly make such a bargain? Could

¹ M. Josephson, *Jean-Jacques Rousseau* (1932), p. 294.

² J. J. Rousseau, *Social Contract and Discourses* (Everyman's Library, 1913), p. 9.

they? The very thought of it is preposterous. Moreover, even if men had been guilty of such folly, they could not bind their children and their children's children.

Renounce liberty! It can't be done. "To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties. For him who renounces everything no indemnity is possible. Such a renunciation is incompatible with man's nature; to remove liberty from his will is to remove all morality from his acts. Finally, it is an empty and contradictory convention that sets up, on the one side, absolute authority, and, on the other, unlimited obedience. Is it not clear that we can be under no obligation to a person from whom we have the right to exact everything?"¹

Men may lose their liberty through conquest, may submit to the dominion of the conqueror in order to save their lives. Does this give the victor legitimate sovereignty over the vanquished? No. Force gives no right that force may not destroy. Moreover, there is no right to kill, except as between nations. A nation might possibly spare the lives of captives in return for their promise to surrender their liberty, but no individual could gain lawful dominion over his fellow men in that manner. And when a nation forces captives into servitude, the obligation to obey assumes the continuance of the right to kill in case of disobedience; which is simply to say that the basis of the obligation is force. And the legitimacy of force can always be rendered null and void by countervailing force.

To find the foundations of legitimate authority, then, one must always go back to an original contract or convention. This is Rousseau's bed-rock principle. On this he proceeds to erect his theory of the state. The nature of the original contract was not hard for him to discover. It must have been, he declares, the sort of contract that the situation demanded. And what was that? Why, obviously, the kind of contract that men abandoning the state of nature would be naturally impelled to make.

Rational men would never abandon the state of nature without good cause. It must be presumed, therefore, that conditions arose which made it difficult, with the resources at the disposal of each individual, to maintain their primordial freedom and equality. The object of the first contract, then, was "to find a form of association which will defend and protect with the whole common

¹ *Ibid.*, p. 10.

force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.”¹ How could this perfect reconciliation of liberty and authority be accomplished? It was very simple, according to Rousseau. Each gave himself unreservedly to the whole community—surrendered all his rights and liberties. Thus was equality preserved. But in giving himself to the community as a whole, each gave himself to nobody in particular. Thus was liberty preserved. Coming into political society, therefore, each member “puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.”²

This strange medley of fancies was ingenious, if not convincing—and to millions it was more convincing than the most infallible logic. Blending the social contract theories of Hobbes and Locke, following Hobbes in the doctrine of complete alienation and Locke in the doctrine of popular consent, the nimble-minded Jean-Jacques had evolved a theory that logic could easily refute, but could not demolish. The people by mutual contract had alienated all their liberties, but not to any definite human superior. They had transferred their freedom from themselves as individuals to themselves as a collectivity. Each was an equal and indivisible part of the corporate entity, and the sovereign was the general will. Sticklers for logic might ask how the individual, after having parted with all his rights and set up an all-powerful body politic, could claim any liberty whatsoever. Could a more complete subjection of the individual to the state be imagined? Rousseau's answer is that the individual, though utterly absorbed in the state, remains free because of the very fact that the state and the individual are inseparable. The state, in his view, is composed of equal individuals, none having authority over another, who equally participate in the general will, which is the sole fount of legitimate authority. Pressed to explain how the general will could be formed and applied without detriment to the free and equal status of any member of the body politic, Rousseau can answer only by evasion. But the fallacies of his theory did not lessen its appeal. Men wanted liberty and equality to coexist, and hailed with delight the theory which proclaimed this a fact under the benign sway of the popular state.

¹ *Ibid.*, p. 14.

² *Ibid.*, p. 15.

That sovereignty may be used to establish equality, is thinkable at least; though it has never been done, and, as the experience of Soviet Russia clearly shows, is enormously difficult, even when the intent and will to do it are powerful and real. But that sovereignty and liberty can exist together, and that sovereignty can wipe out the incompatibility of liberty and equality, is, for the mind heedful of the laws of logic, utterly inconceivable. Only a supple imagination, unfettered by the logic or reality, could accomplish such a feat. Jean-Jacques Rousseau was just the man for the job; his bizarre and agile imagination knew no limit or law. He could not only think the unthinkable, but, by the magic of his literary genius, could make it seem plausible.

Did sovereignty (absolute and unlimited political authority) extinguish the possibility of individual liberty? Very well; he would redefine sovereignty in such a way as to include liberty. Supreme authority was established by the social contract. That would not be disputed, would it? Supreme authority was vested in the body politic, was it not? Men in the state of nature would not and could not divest themselves of liberty in any other way. Men freely entered into the social pact and merged their wills into the general will, which is the concrete manifestation of sovereignty. In so doing the individual agreed with the public (of which he was one) to identify his will with the general will in all matters of public concern. The freedom of the individual could not be impaired, says Rousseau, because the public, being what it is, can have no will or interest against its members. Should an individual, then, conceive that he has an interest different from the common interest as expressed in the general will, it is just and proper to compel him to obey the general will. "This means nothing less," he explains, "than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence."¹ If he were free to disobey, he would not be free. That freedom would wreck the social contract and revive the state of nature in which he would have to rely upon himself alone. But, if he is compelled to obey, he is free, because the power of the whole body politic protects him from the aggressions of other men. Presto! There you have it! Sovereignty and liberty are one. No sovereignty, no liberty. Man is enslaved by a monster of his own making; yet he is free!

¹ *Ibid.*, p. 18.

Having thus demonstrated the absoluteness of popular sovereignty, Rousseau has no difficulty in proving it indivisible, inalienable, imprescriptible, and infallible. Bodin or Hobbes could not have done it better. It is indivisible because the general will would not be general if it were divisible. It is inalienable and imprescriptible because "the Sovereign, who is no less than a collective being, cannot be represented except by himself: the power indeed may be transmitted, but not the will."¹ It is infallible because the general will of the people can never be against the common good. However much a people may be mistaken or deceived, it never wills evil to itself. Hence, "the general will is always right and tends to the public advantage."²

This concept of the general will deserves closer attention. It is the crux of Rousseau's system and probably his most distinctive contribution to political thought. He does not define it with precision and is often ambiguous in speaking of it. It is the will, he says, which "must both come from all and apply to all,"³ and what makes it general "is less the number of voters than the common interest uniting them."³ It must not be confused with the totality of individual wills. Rousseau is very emphatic about that. Individual wills added together cannot, he insists, constitute the general will, because individual wills take account of private and particular matters, whereas the general will only takes account of common concerns. The general will, then, would seem to be the will of the people functioning as a body politic—the will of society viewed as a living and rational political organism.

With this fiction of the general will Rousseau provides an ethical basis for democracy. As a reality the general will does not exist—could not, any more than the corporate will or any other collective will. All corporations, political or otherwise, are fictions of the law; even more fictitious is the supposition which endows a corporation with personality and will apart from its membership. But these may be very convenient and useful as well as very dangerous and disastrous fictions. Depicting the state as a corporate entity of which every citizen is an equal member and as having a will independent of individual wills, yet being the will of all as a whole, Rousseau supplies an insinuatingly rational moral sanction for the acts of democratic government. It is plainly to be seen, if his theory

¹ *Ibid.*, p. 22.

² *Ibid.*, p. 25.

³ *Ibid.*, pp. 27–28.

be accepted, that the obligation to obey is predicated upon the societal nature of the authority. Obedience is due and can be justly exacted, not because the state is divinely ordained, or has contractual authority over its subjects, or is infallibly right in its determinations; but simply and solely because it speaks for society as a whole and decrees for the individual what is willed for him by supreme power emanating from all individuals. Man's obligation to the state is, in other words, his obligation to the greatest and most inclusive common interest men can have. Higher obligation than this could not be, or obligation more righteously enforceable by coercion.

Pursuing the same line of speculation, Rousseau arrives at a sociological conception of law. There can be, he says, no general will directed to a particular purpose, either within or outside the state. "But," he proceeds, "when the whole people decrees for the whole people, it is considering only itself; and if a relation is then formed, it is between two aspects of the entire object, without there being any division of the whole. In that case the matter about which the decree is made is, like the decreeing will, general. This act is what I call a law."¹ The distinguishing mark of true law, therefore, is that it "considers subjects en masse and actions in the abstract, and never a particular person or action."¹ It might indeed make provision for particular things, but only by general action. For example, it might create privileges, but could not bestow them on any specific persons; might set up ranks and classes of citizens, but could not designate specific persons as members of them; might establish a monarchical government, but could not choose a king or name a royal family. It is of no consequence, then, he remarks, to raise such questions as whose business it is to make laws, whether the prince is subject to the law, whether the law can be unjust, or whether we can be both free and subject to the laws. Uniting universality of will with universality of object, law is the mandate of society in its entirety—a sufficient answer to all questions. Where the state is governed by laws, Rousseau proposes to call it a republic regardless of its form of government. A government of laws would be a government by the public—*res publica* in reality.

But what of the rights of man? If the social will, expressed in law,

¹ *Ibid.*, p. 33.

is unconditionally obligatory upon all members of the body politic, can there be any individual rights? This question troubled Rousseau a lot. Individual freedom was as precious in his eyes as life itself. Yet his theory of the state constrained him to say: "If the State is a moral person whose life is in the union of its members, and if the most important of its cares is the care for its own preservation, it must have a universal compelling force, in order to move and dispose each part as may be most advantageous to the whole. . . . Each man alienates, I admit, only such part of his powers, goods and liberty as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important."¹

Does this preclude the possibility of individual rights? Not at all, replies the wizard of words: the rights of the individual are implicit in the very nature of sovereignty itself. The obligations which subject the individual to the social body are binding only because they are mutual and involve matters of general rather than particular concern. The sovereign community, therefore, "cannot impose upon its subjects any fetters that are useless to the community, nor can it even wish to do so; for no more by the law of reason than by the law of nature can anything occur without a cause."² Everything outside the sphere of community interest thus remains to the individual as absolutely as in the state of nature. No contest between the individual and the state can arise; for when the state attempts to deal with a particular individual in a matter of individual concern, it is acting *ultra vires*. It is "acting no longer as Sovereign, but as magistrate."³ And therefore may be resisted? Rousseau does not say so, but clinches the point with this reassuring bit of verbal prestidigitation:

"When these distinctions have been once admitted, it is seen to be untrue that there is, in the social contract, any real renunciation on the part of individuals, that the position in which they find themselves as a result of the contract is really preferable to that in which they were before. Instead of a renunciation, they have made an advantageous exchange: instead of an uncertain and precarious way of living they have got one that is better and more secure; instead of natural independence they have got liberty, instead of power to harm others security for themselves, and instead of their strength, which others might overcome, a right which social union makes invincible. Their

¹ *Ibid.*, p. 26.

² *Ibid.*, p. 27.

³ *Ibid.*, pp. 28-30.

very life, which they have devoted to the State, is by it constantly protected; and when they risk it in the State's defence, what more are they doing than giving back what they have received from it? ”¹

The free-born individual, nature's noble savage, could only regret, in the face of this ardent rationalization, that he had not two lives to lay on the altar of the state!

Rousseau makes much of the distinction between the state and government. The former is the commonwealth as a juristic whole. It is sovereign and supreme. The latter is merely an “intermediate body set up between the subjects and the Sovereign, to secure their mutual correspondence, charged with the execution of laws and the maintenance of liberty, both civil and political.”² The legislative power, he maintains, belongs to the people and is no part of the government. An assembly of the whole people, as in the city-states of old, is in his thought the only true legislature. Representative bodies may serve as stewards of the people, but cannot represent the general will. Sovereignty, being inalienable, does not admit of representation, and no act of a representative body can be law in fact until it has been ratified by the people. The executive power, however, cannot belong to the whole people, “because it consists wholly of particular acts which fall outside the competency of the law, and consequently of the Sovereign, whose acts must always be laws.”² This power is vested in *governors*—kings, princes, etc.—commissioned by the sovereign to perform acts of administration as its agents. Thus *government*, as Rousseau uses the term, refers only to the chief executive or supreme administration. The individuals under the government, who are entrusted with the work of administration, are magistrates. But after he had labored valiantly with these distinctions and put much literary art into them he used them to no good purpose.

His treatment of forms of government is one of his poorest performances. He has nothing to say; and, though he says it gracefully, the vacuity of his mind in this division of his subject is painfully apparent. Even on the fancy-loosing theme of democracy, he is commonplace and uninspiring; doubting, in fact, if direct popular government is possible except in very small countries. Scores of writers had said this before Rousseau, and if he added anything at all to their ideas, it was his insistence that sovereignty is demo-

¹ *Ibid.*

² *Ibid.*, p. 49.

cratic regardless of the form of government. Following Montesquieu, he stresses the importance of climate, soil, and topography in determining the form of government best suited to each particular country and shows good sense in concluding that the question "What absolutely is the best government?" is unanswerable. Not forms, but results, he says, are the criteria by which to judge a government. "What is the end of political association? The preservation and prosperity of its members. And what is the surest mark of their preservation and prosperity? Their numbers and population. Seek then nowhere else this mark that is in dispute. The rest being equal, the government under which, without external aids, without naturalization or colonies, the citizens increase and multiply most, is beyond question the best. The government under which a people wanes and diminishes is the worst. Calculators, it is left for you to count, to measure, to compare."¹

Can this explain the teeming multitudes of China and India, or the zeal of Mussolini and Hitler to boost the birth rate?

Having taken the position that sovereignty ceases to be sovereignty when it acts in particular matters, Rousseau has to summon all his skill as a word-juggler in order to explain how government could get started at all. He accomplishes the feat by imagining the sovereign people assembled to enter into the social contract. They vote to form a body politic and establish a certain form of government. That is an act of all applying to all, and is law in the truest sense. Having done this, the character of the assembly is instantly changed. It is no longer a constituent assembly, but an organ of government. As such it proceeds to set up a system of government; establish particular offices, and name particular individuals to occupy those offices. These are not acts of the general will; hence they are not law, but governmental decrees. According to his reasoning, then, it would seem that all governments must originate in direct and pure democracy and that no government can have an indefeasible foundation in law.

Proceeding from the inception to the operation of government Rousseau did another bit of intellectual trapeze work in the effort to square theory with reality. He had said: "The Sovereign, having no force other than the legislative power, acts only by means of the laws; and the laws being solely the authentic acts of the general

¹ *Ibid.*, pp. 73-74.

will, the Sovereign cannot act save when the people is assembled.”¹ Assuming that to be true, how could sovereignty ever be anything but an abstraction? Could the whole people ever be assembled? If assembled, could they agree as to what should constitute the general will? If unanimous agreement was impossible, could a majority bind the minority? If so, how could it be contended that sovereignty belonged only to the people as a whole or that law was exclusively an act of the general will?

A clear and rational thinker never would have laid such a trap for himself, but for the ebullient imagination of Jean-Jacques Rousseau no traps existed. He stepped over all snares by the simple device of fabricating facts to fit his theories. True, he concedes, the whole people, save in very small states, cannot be easily and frequently assembled. But it was done in Greece and Rome, and presumably could be done again. If, however, the state cannot be reduced to a size to permit such assemblies, “there still remains one resource; this is, to allow no capital, to make the seat of government move from town to town, and to assemble by turn in each the Provincial Estates of the country.”² Added up, these piecemeal assemblies would constitute an assembly of the whole people. But what if they disagree? That’s easy, says our romancer: “There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil association is the most voluntary of all acts. Every man being born free and his own master, no-one, under any pretext whatsoever, can make any man subject without his consent. . . . If then there are opponents when the social compact is made, their opposition does not invalidate the contract, but merely prevents them from being included in it. They are foreigners among citizens. When the State is instituted, residence constitutes consent; to dwell within its territory is to submit to the Sovereign.”³

By this master stroke of casuistry Rousseau managed to eat his cake and have it too. Such men as wish to enter into the social contract come together and agree to form the body politic. That makes it unanimous. Thenceforth general will is supreme. Dissenters are perfectly free to choose—between submission or exile. Having exercised this choice by remaining in the state, they come under the social contract. “Apart from this primitive contract, the vote of the majority binds all the rest.”⁴

¹ *Ibid.*, p. 78.² *Ibid.*, p. 80.³ *Ibid.*, pp. 93–94.⁴ *Ibid.*, p. 94.

Does anyone remain unconvinced—doubting whether he can be free, yet forced to conform to wills not his own and obey laws he has not agreed to? Let Rousseau clarify the matter:

“The citizen gives his consent to all the laws, including those which are passed in spite of his opposition, and even those which punish him when he dares to break any of them. The constant will of all the members of the State is the general will; by virtue of it they are citizens and free. When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes. When therefore the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the opposite of what was my will; and it is in that case that I should not have been free.”¹

Previously, as noted above, Rousseau had taken pains to distinguish the general will from the vote of the majority, saying “what makes the general will is less the number of votes than the common interest uniting them.” Was this inconsistent with his later assertion that the votes must be counted and the determination of the majority accepted as the general will? Rousseau will not admit it. His case for majority rule, he says, presupposes “that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.”¹ This amounted either to begging the question by assuming the vote of the majority to be equivalent to the general will, or to reducing the whole proposition to absurdity by denying the possibility of liberty if that assumption were not true.

Despite his enthusiasm for popular sovereignty, Rousseau is not hopeful of the possibility of maintaining such a political system. In the natural life of every democratic state there comes a time, he thinks, when “the social bond begins to be relaxed and the state to grow weak, when particular interests begin to make themselves felt and the smaller societies to exercise an influence over the larger. . . .”² Then “the common interest changes and finds opponents: opinion is no longer unanimous; the general will ceases to be the will of all; contradictory views and debates arise; and the best ad-

¹ *Ibid.*, pp. 93–94.

² *Ibid.*, p. 91.

vice is not taken without question.”¹ On the eve of ruin, the state then “maintains only a vain, illusory and formal existence . . . the social bond is broken, and the meanest interest brazenly lays hold of the sacred name of ‘public good’ . . . and iniquitous decrees directed solely to private interest get passed under the name of laws.”¹

It is the natural propensity of states, according to Rousseau, to degenerate. “As the particular will acts constantly in opposition to the general will,” he theorizes, “the government continually exerts itself. The greater this exertion becomes, the more the constitution changes; and, as there is in this case no other corporate will to create an equilibrium by resisting the will of the prince, sooner or later the prince must inevitably suppress the Sovereign and break the social treaty. This is the unavoidable and inherent defect which, from the very birth of the body politic, tends ceaselessly to destroy it, as age and death end by destroying the human body.”² This inevitable termination may, he believes, be postponed, but not averted. It is too deeply rooted in the fallibilities of human nature to be avoided by any artificial plan of political organization or procedure. Frequent assemblies of the people to reaffirm the social contract and pass upon the continuance of the existing government may retard the decline of the body politic, but in the long run it is bound to come.

Though not fundamental in his concept of the state, one of the most appealing to revolutionary minds of all Rousseau’s flights of imagination was his dream of a civil religion. Bayle and other anti-religionists had argued that religion could be of no use to the body politic; clerical thinkers had contended, on the contrary, that Christianity was the main anchor and support of the state. Rousseau rejects both of these views, and undertakes to show “that no State has ever been founded without a religious basis, and . . . that the law of Christianity at bottom does more harm by weakening than good by strengthening the constitution of the State.”³

In the earliest times, he says, “men had no kings save gods, and no government save theocracy.”⁴ Religion and politics were one and inseparable. Each state had its own special cult, and every war between rival states was also a war between rival theologies. Conquered peoples were made to adopt the religion of the victors.

¹ *Ibid.*, p. 91.

² *Ibid.*, pp. 74–75.

³ *Ibid.*, p. 117.

⁴ *Ibid.*, p. 113.

The universal empire of Rome changed all this. The Romans spread their religion among all their subject peoples and also adopted various features of the religions of the vanquished. Thus, gradually, the civilized world came to have practically the same religion. Then came Christianity, and with it the idea of "separating the theological from the political system."¹ The upshot was the long struggle for supremacy between church and empire, which resulted in the ruin of both. With rise of national politics came a resurgence of the old idea of a national religion completely integrated with the national political system. Christianity could not accept this, and the conflict between temporal and spiritual authorities continued.

These difficulties, says Rousseau, would all disappear if people were more exact in their ideas of religion. According to his analysis there are three kinds of religion: (1) the religion of man, which is the "purely internal cult of the supreme God and the eternal obligations of morality";² (2) the religion of the citizen, which is the peculiar cult of a single country, having its dogmas, forms, and rites prescribed by law; (3) the religion of the priest, "which gives men two codes of legislation, two rulers, and two countries, renders them subject to contradictory duties, and makes it impossible for them to be faithful both to religion and citizenship."² All three have their defects, he thinks, but the third is wholly bad and ought to be stamped out. The second is good in that it unites love of country with love of its tutelary god, and service to country with service to the deity. It is bad, however, in that it makes men narrow, superstitious, and intolerant, and provokes religious wars. The first, the religion of man, is above criticism save that it has no practical relation to mundane affairs and causes people to neglect the duties of citizenship and allow the government of the state to fall into the hands of evil and ruthless men. "We are told that a people of true Christians would form the most perfect society imaginable. I see in this supposition only one great difficulty: that a society of true Christians would not be a society of men. I say further that such a society, with all its perfection would be neither the strongest nor the most lasting: the very fact that it was perfect would rob it of its bond of union; the flaw that would destroy it would lie in its very perfection."³

¹ *Ibid.*, p. 115.

² *Ibid.*, p. 117.

³ *Ibid.*, p. 118.

A religion such as pure Christianity, which seeks the highest individual morality, is deficient, says Rousseau, in respect to communal obligation. While it makes men conscious of their duty to other individuals, it does not inculcate that sense of social obligation, that consciousness of communal solidarity and responsibility, which is essential to the well-being of the state. For that purpose there should be "a purely civil profession of faith of which the Sovereign should fix the articles, not exactly as religious dogmas, but as social sentiments without which a man cannot be a good citizen or a faithful subject. While it can compel no one to believe them, it can banish from the State whoever does not believe them—it can banish him not for impiety, but as an antisocial being, incapable of truly loving the laws and justice, and of sacrificing, at need, his life to his duty." ¹

Such a religion the Paris Commune, inspired by Rousseau, attempted in 1793 to establish. That attempt failed, but something similar to the civil religion of Rousseau has grown up in the modern world. Passionate nationalism, exalting duty to the state above all other duties, has subordinated all cults and creeds. Unquestioning loyalty to the state, unfaltering obedience to its mandates, and unremitting devotion to its service have become the supreme obligation of man. He is not obliged to worship the state; in some countries he may disbelieve in the government of the day; but nowhere is it permissible to blaspheme and revile the state itself.

IV

It is easy to pass judgment on Rousseau. So many have done it, with such radically different conclusions, that one has little difficulty in finding excellent authority to support any view. Paradoxical in life, the inscrutable Jean-Jacques has continued through the years to be at once the joy and despair of critics. He is so easy to shoot at; so difficult to bring down! His scholarship is so deficient, his logic so feeble; yet his intuition is so uncanny, and so often right!

"In the field of politics," wrote Profesor Dunning, "Rousseau's teaching was suggestive rather than conclusive; but the stimulating force of his suggestions long remained a cardinal fact of literature and history. His fancies, fallacies, and quibbles often appealed more strongly than the sober observation and balanced reasoning

¹ *Ibid.*, p. 121.

of Montesquieu to the *Zeitgeist* of the later eighteenth century. Both the pure philosophy of politics and the practical statesmanship of the time illustrate this. His spirit and his dogmas, however disguised and transformed, are seen everywhere both in the speculative systems and in the governmental reorganizations of the stirring era that followed his death." ¹

By contrast with this faint-praising judgment let us note the panegyric of Mr. G. D. H. Cole who, after pronouncing the *Social Contract* to be "still by far the best of all textbooks of political philosophy," ² declares that "Rousseau's political influence, so far from being dead, is every day increasing; and as new generations and new classes of men come to study his work, his conceptions, often hazy and undeveloped, but nearly always of lasting value, will assuredly form the basis of a new political philosophy, in which they will be taken up and transformed. This philosophy is the work of the future; but rooted upon the conception of Rousseau, it will stretch far back into the past. Of our time, it will be for all time; its solutions will be at once relatively permanent and ceaselessly progressive." ²

And against this oracular encomium let us place the bitter question of Lord Morley: "Would it not have been better for the world if Rousseau had never been born?"

Such a question assumes what need not be granted at all. It assumes not merely that the influence of the scribbler from Geneva was enormous, but that it was almost wholly evil. It assumes, most certainly, that if Rousseau had not lived and performed his political incantations, the awful insanities of the French Revolution might have been averted. It assumes further that without Rousseau nineteenth- and twentieth-century democracies would have avoided those doctrinaire extremes which have brought them often to the verge of catastrophe.

None of these assumptions is proved, or can possibly be proved. That Rousseau or any other individual could have caused the French Revolution is preposterous. Avalanches of such magnitude are not set in motion by one man, seldom in fact by one generation of men. That the French Revolution might have taken a different form had the public mind not been saturated with the fuming doc-

¹ W. A. Dunning, *A History of Political Theories from Rousseau to Spencer* (1920), p. 38.

² *Social Contract and Discourses* (Everyman's Library, 1913), "Introduction," p. xli.

trines of Rousseau is quite probable. But that it would have been less irrational or less destructive is pure fancy. No one knows. Revolution is revolution—pregnant in any form with unlimited possibilities of aberration and ruin. If, under the influence of Rousseau, the French Revolution was turned into paths that led to disaster, it must be remembered that the Revolution was not all bad. To Rousseau as much as to any other must be credited the good as well as the evil which issued from that terrific holocaust. And as to the baneful effect of Rousseau's political philosophy in the subsequent evolution of democratic government, there is ample and obvious justification for the charge. But in all fairness one must remember that there were democracies two thousand years before Rousseau was born, and that in some respects they exhibited faults strikingly similar to those for which modern democracies are said to be indebted to the demented genius of Montmorency.

Whatever crimes may be laid at his door, whatever glories may be claimed as his due, it is beyond dispute that in the sphere of political thought Rousseau performed one service of incalculable importance. That was his formulation of a plausible and largely realizable theory of popular sovereignty. "The common interest and the general will," says Dunning, "assumed, through his manipulation, a greater definiteness and importance than philosophy had hitherto ascribed to them. They became the central features of almost every theory of the state. Through those concepts a way was opened by which the unity and solidarity of a population became the necessary presupposition of scientific politics. Rousseau thus contributed largely to promote the theory of the national state."¹

He did more than contribute to the theory of the national state. His theory called for a national state under the sway of the popular will, regardless of its form or system of government. Above all his predecessors Rousseau made room in the scheme of things political for the average man, and as Josephson truthfully says, he "gave impetus, especially during the eighteenth and nineteenth centuries, to the tendency of men, in greater numbers than ever before, to act as members of the sovereignty."²

Other concepts of sovereignty went into discard. Political authority could find no more impregnable foundation than the sov-

¹ W. A. Dunning, *op. cit.*, p. 39.

² M. Josephson, *op. cit.*, p. 356.

creignty of the masses expressed through the general will. No source of power could be more right, no authority more absolute. That concept of sovereignty maintains its grip on the modern mind despite all attempts to overthrow it, despite all changes in the relation of the average man to the government of the day. Little does it matter that the average man, acting as a member of the sovereignty, prefers the rule of a *Führer* in a totalitarian state to that of a parliament in a democratic commonwealth. That is no derogation of popular sovereignty; for as Rousseau proved, contrary to his acknowledged intent and wish, popular sovereignty reckes not of individual liberty or dissenting minorities. So long as the solidarity of the body politic is maintained, perverted and distorted though it be, the sovereignty of the people cannot be denied. It is, for men on this earth, the absolute of absolutes.

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CHAPTER XIX REVOLUTION

I

THERE had been a revolution in England. That fact was overlooked by those on whom the French Revolution burst like a mine exploded without warning. Also there had been something like a revolution in America. The significance of that was similarly unapparent to minds oblivious of the potent chemistry of social forces. "Revolutions," Wendell Phillips once said, "are not made; they come." Yes, they *come*—after men have been saturated with ideas and had experiences that make it possible for them to come. They come, in short, when the time is ripe for them to come. And that time is when the minds and wills of a sufficient number of people have been prepared for desperate measures.

The preparation of the French people for revolution had been going on for many years before the meeting of the estates-general on that fateful 5th of May, 1789. Into this preparation went so many elements that it is impossible for each to be isolated and weighed. Into it went the impacts of the societal pattern upon multitudes of individuals over successive generations, and the cumulating reactions of those multitudes as year followed year. Into it likewise went a militant host of upsetting ideas which, after two centuries of vigorous propagation, had penetrated every level of society. By furnishing ideas and furthermore by furnishing dramatic examples of ideas in action, the English and American revolutions bore as a mighty draft upon the French conflagration, and fanned it to higher temperatures than they themselves had ever reached.

The doctrines of Milton and Locke were moderate in comparison with the rabid dogmas of such Puritan left-wingers as Lilburne and Winstanley. But revolutionists on coming into power in England, though they had dallied with some of the extreme ideas of the Levellers, had not adopted them; had, in fact, halted far short of the logical limits of the middle-class philosophies of Milton and Locke. Radical American writers, such as Roger Williams and Theophilus Parsons, had gone as far to the left as there was room to go, but the American Revolution itself was not radical. It liberalized but did

not destroy the old social order. The French interpretation of the English and American upheavals was, however, emphatically radical. When men like Siéyès and Condorcet, imbued with the inebriating doctrines of Rousseau, came to write the platform of revolution in France, they saw in the political history and ideology of England and America partial, if not total, exemplifications of what they wished to see in France. And when men like Danton, Marat, and Robespierre (literal believers in the levelling creed of Liberty, Fraternity, and Equality) were shot into power by the very blasts which smashed the Old Régime, they found in the violence of the English and American upheavals many precedents to justify the sweeping deeds of destruction and reconstruction on which they were bent.

When the Revolution struck in France, political philosophy ceased. Shrill and fanatical journalists became the political mentors of the nation. In England and America, on the contrary, serious political thinking and writing were greatly stimulated. Shocked by the headlong stampede of the French revolutionists, moderate men like Burke and Hamilton, who had done valiant service in the cause of political freedom, took stock of their ideas and emerged on the side of conservatism, if not reaction. More radical men like Paine and Jefferson, whose service in the cause of liberty had been no less eminent, thrown on the defensive by the dizzy turn of events in France, took stock of their ideas also, and emerged on the side of revolution and popular sovereignty. Thus was precipitated among the English-speaking peoples on both sides of the Atlantic a prolonged and bitter debate on the issues and merits of the French Revolution, and at bottom on the validity of the democratic principle itself. The flames of partisanship leaped high, and the fate of ministries and presidential administrations was more than once determined by the varying turns of this war of words. The best brains of both nations were drawn into this boiling controversy, and many notable treatises on politics were produced. On the conservative side none wrote more resonantly or saw more clearly the essential issues at stake than Edmund Burke. On the radical side Thomas Paine made it his special business to reply to Burke. No one could have done it better. Few men have ever lived who could shape sentences into thunderbolts as deadly as those of Thomas Paine, and few have ever excelled the purity and nobility of his ideals of human society.

II

Edmund Burke is one of the best known figures in English history, and one of the few politicians of eighteenth-century England whose renown has not faded. Much uncertainty shrouds Burke's origin and early years, but there is pretty general agreement among his biographers on the major facts. He was born in Dublin, probably on January 12, 1729. His father was a practicing attorney in Dublin, and a Protestant in religion. Of his mother little is known save that she was of the Nagle family and was a Roman Catholic. Edmund and his two brothers were brought up as Protestants, while their sister followed the faith of her mother. After attending a preparatory school conducted by an English Quaker at Kildare, Edmund Burke was entered in Trinity College, Dublin, in 1743. He made no special record as a student at Trinity, but seems to have acquitted himself as creditably as the average youth.

Burke took his degree at Trinity in 1748, and in 1750 went to London to study law. Of the next ten years little has been learned. He soon abandoned his legal studies and began to dabble in literature. Thereupon his father, who was determined to make a lawyer of him, cut off his allowance. In some way Burke managed to eke out a living and continue his literary work. In 1756 he gained recognition by the publication of two essays: *A Vindication of Natural Society* and the *Philosophical Inquiry into the Origin of our Ideas on the Sublime and Beautiful*. In the same year he married the daughter of the well-known Dr. Nugent of Bath and launched the *Annual Register*, a project which brought him a little money and more than a little prestige. The *Annual Register* was a yearbook of political and economic information, carefully compiled and edited. A compendium of that sort was very much needed, and Burke's standing in political and literary circles was much enhanced by his connection with it.

In 1759 Burke became acquainted with William Gerard Hamilton, who was soon to be made Secretary for Ireland. When Hamilton took up his post in Dublin he made Burke a member of his staff. Burke remained with Hamilton to the conclusion of his term of office, gaining much experience in the ways of practical government. In 1765 Burke was made private secretary to Lord Rockingham, the newly appointed prime minister. The Rockingham ministry lasted only a few days more than a year, but that was long

enough to get Burke started in politics in his own right. Through the influence of the ministry he gained a seat in the House of Commons as member for the pocket borough of Wendover. He made his first speech in the House of Commons on January 27, 1766, and from that hour until his farewell to the House in 1794 he was one of the outstanding parliamentary leaders of the Whig Party.

In his parliamentary career Edmund Burke experienced the usual vicissitudes of public life. He took part in great affairs and petty ones, won victories and suffered defeats, sat with the majority and with the opposition, was cheered and hooted, turned out of office and jockeyed in again. But he was never obscured, and seldom ignored. Never popular, as Chatham, Fox, and Sheridan were popular, in real force he towered above them all, and many would say above any man who ever sat in the House of Commons. The sources of his strength were many. Foremost among them was his personal independence. He would go with his party and strive to do the bidding of his constituents when he thought them right. When he thought them wrong, he would do what Edmund Burke thought right and tell them, as he did the voters of Bristol, that he would be no weathercock "to indicate the shiftings of every fashionable gale." That his independence was genuine was attested by the unbending probity which governed every decision he made. He was so conspicuously a man of honor that not even his unfortunate practice of living beyond his means and getting himself hopelessly sunk in debt could sully his reputation. His debts were not those of a cheat or wastrel, but those of a high-minded gentleman whose position imposed obligations his income could not meet and who would not stoop to sinecures, reversions, and other forms of graft by which most politicians of his day were accustomed to supplement their incomes.

But the most formidable of Burke's qualities were his literary genius and his intellectual power. He is rated as one of the world's greatest orators, but he was a failure as a rabble-rouser and seldom effective as a parliamentary debater. His oratory was great because it was great literature uttered by a man of great character and force of intellect. It was the kind of oratory that lives in print long after the occasion of its utterance has passed and long after the speaker has mouldered into dust. Burke's orations are unsurpassed in richness of imagery, magnificence of diction, sweep of

imagination, and flowing nobility of style. They fell on the ear, said Viscount Morley, "with the accent of some golden-tongued oracle of the wise gods." And what made them truly and permanently great was the passionate sincerity and compelling cogency of their intellectual content. Burke has been called the greatest political thinker of the English race, and by some the greatest political thinker since Aristotle. He was a great thinker, though not notably an original, subtle, or systematic thinker. His greatness as a thinker lay in his remarkable ability to apply broad philosophical concepts to specific and concrete problems of statecraft. In that he has never been surpassed.

Burke has often been said to have given the world a perfect model of the philosopher in politics, and academic philosophers have sometimes expressed regret that politics prevented him from devoting his superb faculties of thought and composition to philosophy in its more esoteric forms. Burke himself had no such regret. Fine scholar and real philosopher though he was, he was first of all a fighter of political battles. For the mere bookworm in politics he had nothing but scorn. His public life was spent entirely on the battle-front; rhetoric, learning, and philosophic insight were his armaments. As ends in themselves they were nothing. The *cause* was the thing!

Edmund Burke fought for many causes, and in the course of his campaigns delivered innumerable speeches and wrote many pamphlets, essays, and books. The immediate issues of the combats in which he was engaged have long since ceased to matter, but his orations and writings are still read with appreciation and will always rank among the masterpieces of English prose. For Edmund Burke was not merely a master of the inscrutable art of literary expression, not merely a profound and logical political thinker; he was one of those rare mortals whose clairvoyant minds lay hold of things eternal. Whatever the issue of the hour, there was but one cause for Edmund Burke. That was the ever-old and never-old cause of justice, humanity, and order.

Of the many political battles which Burke fought, three are most remembered. These are his futile twelve-year struggle for sanity and liberalism in the treatment of the American colonies, his epic impeachment of Warren Hastings for high crimes and misdemeanors in the government of India, and his thunderous barrage against

the French Revolution. Whether it is just to charge Burke with apostasy, as many did, for his denunciation of the French revolutionists, we shall presently discuss. There can be no question about the battle for conciliation with the colonies and the impeachment of Warren Hastings. In these affairs we see Burke at his best, pleading with supernal eloquence for honesty, decency, fairness, and far-seeing intelligence in the management of public affairs.

The impeachment of Warren Hastings ended with the parliamentary session of 1794. Shaken by the sudden death of his son and worried by other private troubles, Burke gave up his seat in the House of Commons and sought retirement. He was worn out and had not long to live, but the bitter attacks of his enemies and his anxious concern over the prospective negotiations for peace with France kept the pen in his hand almost to the day of his death, July 8, 1797.

III

It was a painful surprise to crusaders in the cause of liberty and human rights when Edmund Burke came out against the French Revolution. Not only were they shocked and disappointed; they were bitterly incensed at what seemed to them treason to the highest and noblest of human causes. They felt the same way about Washington, Hamilton, John Adams, and others whose memorable services on the side of freedom in the American Revolution were difficult to reconcile with their subsequent hostility to the French Revolution.

Had the former myrmidons of liberty changed? Had Edmund Burke, in particular, changed? Had conditions changed, or had his position on the American Revolution been misunderstood?

Such questions are difficult to answer. It is hard to know what any man thinks, and why he thinks as he does. So far as there is any evidence to go on, it would appear that Edmund Burke *had* changed—to the extent at least of becoming more fixed in his naturally conservative outlook. It is also true that the French Revolution was far from being an exact counterpart of either its American or English predecessors. Doctrinally it did not, perhaps, reach any wilder extremes, but in actuality it did. In violence and destructiveness it compared with all former political storms as a raging typhoon to a stirring breeze. It would also seem that Burke's attitude toward the revolt of the American colonies had been misinterpreted. Certainly it had by radicals such as Jefferson and Paine.

Edmund Burke was never a radical, never anything but an English Whig with a consuming passion for orderly constitutional government wisely and liberally administered. In the *Speech on Conciliation with the Colonies* he had uttered the opinion that a whole people could not be indicted; but he had also said it was not a question with him whether the British government had a *right* to make the Americans miserable, but whether it was not the *expedient thing* to make them happy. That emphasis on the expedient rather than the abstractly or even legally right course of action is the master key to Burke's political philosophy.

He was a man of expediency. Not in the Machiavellian sense of condoning whatever may be advantageous in promoting a particular policy or reaching a particular objective, but in the profounder sense of shaping the course of action to conform with the basic and permanent elements of the institutional life of a people. Political society for Burke was not a thing instituted by conquest, contract, or any single act of will, human or divine. It was an organic growth with roots reaching back into an indefinite past and tendrils shooting forward to an indefinite future. The art of statecraft was not merely to perceive the continuity of the body politic, but to perceive those elemental ingredients in a given society which make for vigor and perpetuity, for stability and order, for justice and morality, and then to hew out policies in keeping with those fundamentals. This conception of the state and statesmanship Burke never expressed more succinctly than in his speech in the House of Commons on May 11, 1792, on Fox's motion for leave to present a bill repealing the disabilities of the Unitarians.

"I never govern myself," Burke said on this occasion, "no rational man ever did govern himself by abstractions and universals. I do not put abstract ideas wholly out of any question, because I well know, that under that name I should dismiss principles; and without the guide and light of sound well-understood principles, all reasonings in politics, as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion. A statesman differs from a professor in an university; the latter has only the general view of society; the former, the statesman, has a number of circumstances to combine with those general ideas, and to take into his consideration. Circumstances are infinite, are infinitely combined; are variable and transient; he who does not take them into consideration, is not erroneous, but stark mad—*dat operam u*

cum ratione insanial—he is metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment, he may ruin his country forever.

“I go on this ground, that government, representing the society, has a general superintending control over all the actions, and over all the publicly propagated doctrines of men, without which it could never provide adequately for all the wants of society; but then it is to use this power with an equitable discretion, the only bond of sovereignty. For it is not, perhaps, so much by the assumption of unlawful powers, as by the unwise or unwarrantable use of those which are most legal, that governments oppose their true end and object; . . . The object of the state is (as far as may be) the happiness of the whole. What makes multitudes of men utterly miserable can never answer that object; indeed it contradicts it wholly and entirely; and the happiness or misery of mankind, estimated by their feelings and sentiments, and not by any theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people. This naturally and necessarily conducts us to the peculiar and characteristic situation of a people, and to a knowledge of their opinions, prejudices, habits, and all the circumstances that diversify and colour life. The first question a good statesman would ask himself, therefore, would be, how and in what circumstances do you find the society, and to act upon them. . . .

“The foundations on which obedience to governments is founded are not to be constantly discussed. That we are here, supposes the discussion already made and the dispute settled. We must assume the rights of what represents the public to control the individual, to make his will and his acts submit to their will, until some intolerable grievance shall make us know that it does not answer its end, and will submit neither to reformation nor restraint. Otherwise we should dispute all the points of morality, before we can punish a murderer, robber, and adulterer; we should analyze all society. . . .

“Whether anything be proper to be denied, which is right in itself, because it may lead to the demand of others which it is improper to grant;—abstractedly speaking, there can be no doubt that this question ought to be decided in the negative. But as no moral questions are ever abstract questions, this, before I judge upon any abstract proposition, must be embodied in circumstances; for since things are right or wrong, morally speaking, only by their relation and connection with other things, this very question of what it is politically right to grant depends upon this relation to its effects. It is the direct office of wisdom to look to the consequences of the acts we do; if it be not this, it is worth nothing, it is out of place and of function; and a downright fool is as capable of government as Charles Fox.”¹

¹ *Works of Edmund Burke* (World's Classics Ed., 6 vols., 1906–1920), Vol. iii, pp. 315–329.

These unimpassioned passages from a speech in the House of Commons on a relatively unimportant domestic question take us to the heart of Burke's political thought. His remarks on the Unitarian question were brief and virtually extemporaneous. The resounding cadences and ornate flourishes of his more studied efforts are entirely missing. Morley has said of Burke that "He had the style of his subjects." The Unitarian question presented no imperial theme, no dramatic opportunities, no clash of earth-rocking issues. It was a simple question of whether a minor religious sect should be relieved of certain political disabilities. Accordingly we find Burke speaking simply, dispassionately, and informally—and, as would be expected, revealing himself more clearly and directly than in the orations and essays into which he poured all of his magnificent rhetorical genius.

The political philosophy of the temperate little speech on the Unitarians was not different from the underlying philosophy of the *Speech on Conciliation* or the underlying philosophy of the *Reflections on the Revolution in France*. Intellectually Burke was wholly consistent. Judging from emotional tone, however, one might easily fail to perceive his consistency of thought. In the *Speech on Conciliation* Burke was denouncing the benighted folly of a government that refused to recognize that "the only bond of sovereign authority" is the exercise of power "with an equitable discretion"; in the *Reflections on the Revolution in France* he was denouncing the insane fury of a people tearing the social fabric to shreds in denial of "the rights of what represents the public to control the individual"; in the *Speech on the Petition of the Unitarians* he was denouncing nothing at all. In all three his intellectual footing was the same—a sweeping negation of all "abstractions and universals" and a dogged insistence that circumstances must determine the application of principles.

There is no doubt, however, that in the *Reflections on the Revolution in France* Burke lost control of his emotions. It was not simply the events in France that infuriated him, but the fact that English sympathizers with the Revolution were doing all they could to plunge their own country into the maelstrom. Starting with the purpose of rebuking English revolutionaries, his temperature mounted as the discussion progressed until finally his wrath exploded in the most blasting and vitriolic invective to be found in the political literature of any people. To rebuke seditious fellow countrymen was not

enough; he must arraign the whole French nation and shriek his hate of everything done in furtherance of the Revolution. To say that this classic of excoriation produced a sensation is putting it mildly. Eleven editions of the *Reflections* were sold in a year, and the total sales before the end of the Revolution ran above 30,000.

Reactionaries were delighted and rewarded Burke with paeans of praise. Radicals were infuriated and accused him of every crime in the catalog. Burke had delivered a tremendous blow against the Revolution, but his passions had betrayed him into fallacies and excesses which not only invited attack but laid him open to crushing replies. The philosophical framework of the *Reflections* was good—consistent in every respect with Burke's previously stated political ideas—but it was swallowed up in rhetorical effusions which seriously damaged its effectiveness in the arena of reason.

Scattered through the *Reflections*, however, are many temperate and beautiful expositions of Burke's fundamental political philosophy. On the subject of natural rights, for example, he has this to say:

“Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection: but their abstract perfection is their practical defect. By having a right to everything they want everything. Government is a contrivance of human wisdom to provide for human *wants*. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done *by a power out of themselves*; and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle.”¹

On the perennial theory of social contract, this was his dithyrambic outburst:

¹ *Works of Edmund Burke* (Standard Library Ed., 4 vols., 1906), Vol. ii, pp. 332-333.

"Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure—but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primæval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those, who by an obligation above them, and infinitely superior, are bound to submit their will to that law. The municipal corporations of that universal kingdom are not morally at liberty at their pleasure, and on their speculations of a contingent improvement, wholly to separate and tear asunder the bonds of their subordinate community, and dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen, but chooses, a necessity paramount to deliberation, that admits no discussion, and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part too of that moral and physical disposition of things, to which man must be obedient by consent or force; but if that which is only submission to necessity should be made the object of choice, the law is broken, nature is disobeyed, and the rebellions are outlawed, cast forth, and exiled from this world of reason, and order, and peace, and virtue, and fruitful penitence into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow."¹

With this lofty and mystical exegesis of the societal bond Burke no doubt imagined that he had put the social contract theory to sleep for good. But he had not. The radicals refused to be impressed. Indeed they drove on him with such vigor and made such capital of his vagueness that he felt obliged to return to the fray. In 1792 he published his *Appeal from the New to the Old Whigs*. This was an attempt to vindicate his strictures on the French Revolution and set forth his own political doctrines more definitely. In reality it added nothing to what he had already said, though it did serve to emphasize and clarify certain aspects of his thought.

¹ *Ibid.*, pp. 368–369.

Burke made it clear in this paper that he took no stock in any theories of popular sovereignty. He was willing to concede that political institutions might have originated in the consent of the governed, but in regard to contemporary political society he deemed such original acts of agreement utterly meaningless. Men, he asserted, are born subject to an established society. They do not consent to its authority and are not free to do so. To postulate such a thing, he insisted, is to postulate anarchy. Born in society, men are born with obligations to society. From those primary obligations men can no more free themselves than they can free themselves of their obligations to their parents.

The idea of majority rule Burke put down as an absurdity. He would agree with Rousseau that unanimous consent might be necessary to establish the state, but once that was done the people as individuals ceased to have wills that could be counted and aggregated into a general will or even a majority will. By the social compact individual will was obliterated. Standing in the place of the former mass of independent individuals was organized society. The individual was subject to organized society regardless of his will. In answer to the contention that the social compact might prescribe majority rule Burke asserted that such a thing could never happen. A political order constituted on that basis, he said, simply could not function. Aristocracy, not democracy, was in his view, the law of nature. When men associate together for any purpose, he declared, it is quickly found that some are better fitted for leadership than others. Having advantages of birth, wealth, intellect, and so on, these constitute a natural aristocracy. The same is true in the state; and if the natural aristocracy be not allowed to govern, the state will fall into anarchy.

Though a genuine lover of liberty, Burke would have nothing to do with any abstract philosophy of liberty. Liberty and authority, as he conceived them, were equally subject to the limitations of the political system, which was not an artificial creation but the product of a long process of social evolution. Both had their foundation in the constitution, which, as conceived by Burke, was the long accumulated law and custom of the land. By these, he contended, life, liberty, and property are protected as social experience and expediency dictate. No particular form of constitution was recommended for this purpose. Burke was not interested in constitutions

from a theoretical standpoint; he was interested only in actual government and actual constitutions. The British constitution, having "slowly broadened down from precedent to precedent," won his greatest admiration. It was a natural growth, wrought by generations of adjustment to experience. Its principles of check and balance afforded, he thought, real protection to life, liberty, and property, because they were not mere hypotheses but established rules of action.

IV

As a creative and systematic political thinker Edmund Burke cannot be rated high. An unrelenting foe of all theories and dogmas, of all reforms and innovations, and indeed of all principles not verified by actual experience, his mind declined airy flights of speculation and deprecated all attempts at the systematic rationalization of political institutions. He looked upon human society with the time-sense of a geologist, expecting and seeking no progress other than that wrought by those cosmic forces which hold "all physical and all moral natures, each in their appointed place."

Burke's influence, however, was very great. It is also true that he made a very substantial contribution to political thought. That his influence was in the main conservative or reactionary, and that his contribution was primarily negative, must be admitted. Nevertheless he takes rank as one of the ever-luminous orbs in the galaxy of political thought. When Burke appeared in the lists against the French Revolution, political thought had almost succumbed to the maudlin romanticism of Rousseau. Montesquieu was in eclipse; likewise Hume, Spinoza, Hobbes, and other great realists of the past. History was "bunk," reason despised, and facts mere obstacles to be swept aside. Visions and rhapsodies were the thing. Wishes were elevated as ideals, and the attainment of such ideals was sought with small regard for either sense or morality.

It was the task of Edmund Burke to dash cold water upon political dreamers and waken them to an appreciation of the significance of society as a going concern, the product not of paper formulas but of long ages of growth and adjustment. It was his task also to make clearer than ever before the infinite complexity of political life and the dangers of reckless tinkering with established institutions. He understood, better perhaps than any man who ever lived, the un-

predictability of political behavior, and drove home, with overwhelming force, the warning that reforms are prone to go amiss because men rarely behave in a given set of circumstances as they are expected to behave and theoretically ought to behave. Human beings, he reiterated again and again, are creatures of circumstance, and without taking all circumstances into account, you cannot know which way they will leap.

Equally useful and influential was the service of Burke in dissolving the fogs of dogma surrounding the concept of human rights. He not only rejected the doctrine of inherent, absolute, and indefeasible rights; he shattered it beyond repair, showing that the more perfect such rights are in the abstract, the more difficult they are to realize in practice. The only rights men can actually enjoy, he made clear, are rights created, recognized, and protected by society, and these are possible only by reason of the restraints imposed by society. Freedom is to be found not in weakening the social bond but in strengthening it, not in setting man against the state but in reconciling man to the state and working out natural compromises conferring such liberty as may be consistent with the welfare of society.

Burke also performed a critical service of much importance by indicating more definitely and emphatically than any man before him had done the defects of democratic society. A sovereign people, he repeatedly reminded his readers, is an unchecked and uncheckable force. It can do no wrong, politically or morally. For its deeds, whether of commission or omission, all are responsible. This means that no one is in fact responsible, because no one feels or can be held to any degree of culpability for the acts attributable to the will of the multitude. The follies and tyrannies of the masses, he pointed out, are quite as real and quite as monstrous as those of the classes. What is worse, rebellion against a popular régime is more than treason; it is sacrilege. Furthermore, any penalties or punishment that might be visited upon a stupid or iniquitous people would be a perversion of the true purpose of the state, which is to benefit the people in general.

A classless society Burke believed impossible; and if possible, a sure instrument of despotism. With prescient anticipation of events to come, he argued that the leveling of the whole population to one class, by eliminating all the mitigating checks and restraints of a

stratified society, would merely smooth the way for "the most completely arbitrary power that ever appeared on earth." Democracy was the first step in that direction. Reaction from that, when it had broken down, would not be the restoration of the old system of divided and balanced authority, but the concentration of authority in a dictator and the establishment, in modern phraseology, of a totalitarian state.

Though he sired no esoteric school of political thought, Edmund Burke has been and still continues to be an inexhaustible fount of inspiration and ideas for conservative thinkers of the nineteenth and twentieth centuries, especially those of the historical and organismic persuasions. Conspicuously apparent is his influence on the writings of such outstanding publicists of the conservative wing as Maine, Freeman, Seeley, Sidgwick, Mallock, Lecky, Godkin, Belloc, Lieber, Burgess, Savigny, Hegel, Nietzsche, and Treitscke. The modern assault upon the ideological foundations of democracy comprehends much that Burke did not know, but he remains nevertheless the most eloquent and forceful of all apostles of aristocracy.

V

Thomas Paine is one of those incredible personages whose careers pale the hues of the most romantic fiction. A man of three countries and a leading figure in some of the most dramatic events in the annals of each, he was the eighteenth century's foremost crusader in the cause of liberty and one of the greatest in the entire history of mankind.

If ever a man was a born genius it was Thomas Paine. He came into the world in the village of Thetford, England, on the 29th of January, 1737. Poverty was his lot at the beginning as it was to be to the end of life. His father was a Quaker who worked at the trade of staymaker; his mother was the daughter of a Thetford attorney. Beyond the fact that they were industrious and of good repute, little is known of his parents or their families.

Thomas Paine had his only schooling in the grammar school at Thetford, and rebelled against the little he had. Particularly obnoxious to him was the study of Latin, which he pronounced sheer nonsense. The bent of his mind was for the sciences, but he had little opportunity for these or any other formal studies. He was

taken from school at the age of thirteen and put to work under his father to learn the staymaker's trade. Disliking this, he went to sea in 1756, as one of the crew of a privateer in the war against France. At the end of the voyage he went to London and became a journeyman staymaker. At Sandwich in 1759 he married Mary Lambert and removed with her to Margate, where she died the following year.

Footloose again and weary of his uncongenial trade, Paine then sought employment in the excise service. After some preparatory study, he received the desired appointment in December, 1764. The next year he was dismissed from the service on account of alleged irregularities in his reports, but was reinstated in 1766 and shortly transferred to Lewes, where he secured quarters with an aged Quaker named Ollive, who operated a small tobacco shop. Ollive died in 1769; and Paine in 1771 married his daughter, Elizabeth, and assumed the management of the tobacco business in addition to his duties in the excise.

The years 1772-1774 brought Paine's affairs to a critical turn. Aroused by the grievances of the excisemen, he wrote in 1772 a pamphlet appealing to Parliament to correct the abuses of the excise service. Then he went to London and spent the entire winter of 1772-1773 trying to enlist members of Parliament in behalf of his proposed reforms. Unsuccessful as a lobbyist, he returned to Lewes. The tobacco business had not prospered in his absence, and his creditors were threatening imprisonment if he did not settle his accounts at once. To make matters worse, he was discharged from the excise service in April, 1774. The reason given in the order of dismissal was that he had quitted his post without leave and gone off on account of debts he had contracted. Paine immediately sold everything he possessed and turned the proceeds over to his creditors. Shortly thereafter, for reasons which neither would ever divulge, Paine and his wife separated never to meet again.

Drifting to London in search of work, Paine had the good fortune to make the acquaintance of Benjamin Franklin, then stationed in London as political agent for the American colonies. Attracted by Paine's character and abilities, Franklin urged him to migrate to America and make a new start. Paine accepted the advice and sailed for Philadelphia in October, 1774, bearing a letter from Franklin to his son-in-law, Richard Bache.

Thirteen months after he stepped on the wharf at Philadelphia Thomas Paine's name was known in every American household and his fame was spreading rapidly over Europe. On the recommendation of Franklin and Bache, he was employed as editor of the newly founded *Pennsylvania Magazine* early in 1775. Before he had time thoroughly to warm the editor's chair, the Battle of Lexington was fought. Quaker though he was, Paine was so deeply convinced of the righteousness of the colonial cause that he instantly expressed his readiness to shoulder a musket and go to the front. By the autumn of 1775 he had made up his mind, far ahead of general opinion even among the leaders of the Revolution, that independence was the only rational destiny for the revolting colonies. At once he proceeded to put his convictions on paper. The result was the electrifying pamphlet entitled *Common Sense*, issued on January 10, 1776. "Never was a pamphlet written," says one of Paine's biographers, "that wrought such wondrous effects as did 'Common Sense.' To it the American people owe their independence. Within six months of its publication the colonies affirmed their freedom through the drafting and signing of the Declaration of Independence."¹

What Paine had done was not merely to advocate independence, but to write a brief so eloquent and compelling that wavering minds could seize no other alternative. Into his passionate appeal for "common sense" he compressed a whole philosophy of liberty and presented the unpalatable alternatives to independence with such damning clarity that compromise seemed insane. Within three months of its publication more than 120,000 copies of *Common Sense* were sold, and it is estimated that the total circulation reached 500,000. Many prominent Revolutionary leaders, including Washington himself, acknowledged that *Common Sense* had changed their views on the subject of independence. Paine might have made a good deal of money from the sales of this pamphlet, but he donated all the proceeds to the colonial cause and actually paid the publisher for copies distributed to his friends.

Disdaining to be a mere sideline patriot, Paine's next step was to enlist with the Pennsylvania troops, and, when this short term of service expired, he went to Fort Lee, New Jersey, and reënlisted under General Nathaniel Greene. On September 19, 1776, Greene made Paine his aide-de-camp. In this capacity Paine participated

¹ W. M. Van der Weyde, *The Life and Works of Thomas Paine* (1925), p. 31.

in Washington's disastrous retreat to the Delaware River and was several times under fire. It was during this campaign, writing on a drum-head by the light of a camp-fire, that he composed that immortal address to the army which thousands of American school-boys have committed to memory. Opening with gripping phrase, "These are the times that try men's souls," Paine poured out his scorn on the "summer soldier" and "sunshine patriot" and pleaded with the army and the people at home to stand firm in this crisis of their affairs. Washington was so inspired by it that he ordered it read before every regiment of the army, and it is said that Paine's *Crisis* as much as Washington's strategy was responsible for the surprising victory at Trenton.

Paine was obviously too valuable a publicist to be left in the army. The political administration of the provisional government had imperative need of such talents as his. In January, 1777, he was made secretary of a commission to negotiate with the Indians of Pennsylvania, and in the following April he was appointed secretary to the Committee on Foreign Affairs of the Continental Congress. Paine served in this office until January 6, 1779, when he resigned in consequence of a difference with the Committee and the Congress over the tangled affairs of Silas Deane, one of the special commissioners to France. In November, 1779, Paine was made clerk to the Pennsylvania Assembly and continued in that position until February, 1781, when he went to France as secretary to John Laurens. With very material help from Paine, Laurens succeeded in negotiating with the French government for a large quantity of money and military supplies which arrived in America just in time for the Yorktown campaign, which ended the war.

The war over, Paine retired from public life. He had donated most of his earnings to the Revolutionary cause and paid his own expenses on the mission to France. Congress reimbursed him to the extent of \$3,000, the legislature of New York gave him a 300-acre farm near New Rochelle, and the legislature of Pennsylvania rewarded him with an honorarium of 500 pounds. He purchased a small place at Bordentown, New Jersey, and settled down to follow his bent for mechanics. Like Franklin and Jefferson, he was much interested in inventions, and developed several of proven merit, including a smokeless candle, a mechanical crane, a planing machine, and an iron bridge. The iron bridge changed the whole course of

his life. Encouraged by the reception accorded this invention in America, Paine sailed for Europe in 1787 to raise capital for the manufacture of his bridge. He stayed long enough in Paris to enlist the enthusiastic interest of Jefferson, then American minister to France, and secure the endorsement of the French Academy of Sciences. Then he went to England, where he expected to raise the necessary money. The British government in 1788 granted him a patent on the bridge, and in June, 1790, the finished span, 110 feet long, was put on exhibition in London. It was the first structure of its kind made of materials other than wood or stone.

At this juncture his principal backer failed in business and Paine, despite his preoccupation with the bridge project, was sucked into the maelstrom of the French Revolution. During a brief visit to Paris in 1790 he had met his former companion in arms, Lafayette, who at the moment was one of the foremost leaders of the French Revolution. Lafayette wished to send Washington the key of the Bastille as a token of regard and a symbol of their common devotion to the cause of liberty. He entrusted it to Paine, who expected soon to return to America. Unable to sail as he had planned, Paine sent it to Washington by a mutual friend. It is still on exhibition among the Washington relics at Mt. Vernon.

Back in London, Paine found the nation seething with controversy over the French Revolution. It was rumored that Edmund Burke was writing a pamphlet against the Revolution, and Paine told his friends that, if Burke's pamphlet was published, he would reply to it. Burke's *Reflections* came out on November 1, 1790, and Paine immediately went to work on his reply. This appeared in February, 1791, under the title of *The Rights of Man*. Burke countered with his *Appeal from the New to the Old Whigs*; and Paine replied to this with Part II of *The Rights of Man*. This titanic debate produced a tremendous sensation, and Paine became as clearly the head and front of the pro-Revolutionary party as was Burke of the opposition.

So long as English radicalism amounted to nothing more than talk, it was unmolested; but, when in 1792 it flowered into an organized movement to overthrow the monarchy and establish a republic, the authorities decided that it was time to do something. Paine was the most conspicuous figure in the republican movement, and the government moved against him first. The charge of seditious libel was filed against him, and he was summoned to

appear in court and defend. About this time four different constituencies in France elected him as one of their deputies in the coming National Convention. Persuaded by friends, among whom was the poet William Blake, that he could not hope for a fair trial in England, Paine decided to go to France and take his seat in the Convention. Hurriedly slipping away in September, 1792, in order to escape arrest, he was soon in Paris and in the thick of the Revolution. Taking his seat in the Convention, he was appointed a member of the committee to frame a republican constitution and took a leading part in the work of both the committee and the Convention. Meanwhile the prosecution in England had been carried to a conclusion. Paine was found guilty of libeling the Crown and sentenced to a heavy fine and imprisonment should he again set foot on English soil.

Paine's utopian dreams were soon to be dashed. He was too humane and rational to travel far with the madmen whom the Revolution had swept into power. On the question of the death penalty for Louis XVI Paine voted in the negative and urged that the deposed monarch be exiled to the United States, and thus incurred the dislike of Marat, Robespierre, and their kind. After the fall of the Girondist moderates with whom he had aligned himself, Paine was doomed to be a victim of the Terror. On December 27, 1793, he was arrested on the charge of being a "foreigner" and thrown into the Luxembourg prison. There he languished until November 4, 1794, daily expecting to be led out to the guillotine. Orders for his execution were actually issued, but through some inexplicable slip were not carried out.

Paine had every reason to suppose that the American government would intervene in his behalf. But nothing was done. His old friend Jefferson had lately resigned the office of Secretary of State, and Washington, another friend on whom he counted, was desperately trying to maintain the neutrality of the infant republic and induce the British to evacuate the army posts they held on its northern frontier. It was politically inexpedient in that juncture to do anything for a man condemned in England as a public enemy and proscribed in France. To make the case worse, Gouverneur Morris, the American minister to France, had a personal grudge against Paine and would do nothing for him. In August, 1794, however, Morris was replaced by James Monroe. As soon as

Monroe learned of Paine's plight, he went into action and soon secured his release. Paine had fallen desperately ill in prison and was near death when Monroe got him out. Monroe took Paine into his own home and kept him until his health was sufficiently mended for him to look after himself.

Before his arrest Paine had begun a treatise on religion. He continued work on this while in prison and finished it while convalescing in Monroe's home. It was published in 1795 under the title *The Age of Reason*. This famous book brought down upon Paine's head the curses of the pious all over Christendom. It was a beautiful restatement of the creed of deism, passionately appealing for rationalism in religion. But the believing world chose to brand Paine as an atheist, and still does, though he stood at the opposite pole of belief. Paine also wrote his little tract on *Agrarian Justice* while recuperating in Monroe's home.

Paine wished to return to America with Monroe in 1797 and journeyed to Havre to take the ship with him. On arriving there he was told that there was danger of his being taken off the ship by the British and sent to England to settle his accounts with British justice. He decided to stay in France. Finally in 1802, when it seemed safe for him to make the journey to America, he returned to the land he had helped make free. But he was not welcomed. Other heroes occupied the stage, and it was not good politics at the time to befriend the author of *The Age of Reason*. After repeated disappointments in his endeavors to secure a remunerative appointment, Paine retired to his farm at New Rochelle. There he lived in penury and declining health until 1806, when he moved into New York City in order to obtain medical attention. He died in New York on June 8, 1809.

VI

Thomas Paine was not a thinker's thinker. For the *cognoscenti* he was just a partisan pamphleteer. For the common man, however, he was not simply a propagandist but an intellectual mentor of more authority than the most learned professor. In the academic sense Paine was no scholar and had no great acquaintance with the literature of political thought. But he had the gift of tongues, and with it a remarkable ability to clarify and simplify every subject he discussed. Where he got his political ideas no one knows. He prob-

ably did not know himself. Much of his thought seems traceable to Locke, Montesquieu, and Rousseau. Perhaps he studied the works of those writers very closely, but most likely he did not. His mind collected ideas like a magnet and made them his very own. Some no doubt he got from books; others were plucked from the lips of men encountered in his cosmopolitan way of life; not a few were the product of his own observations and reflections.

Borrowed or not, Paine's ideas were always delivered with a deadly punch. He thought and wrote in straight lines, and with a velocity that struck like thudding fist. Language for him was first of all an instrument for ramming home ideas. He could gild the lily as neatly as any man who ever lived, but never allowed rhetorical frills to impede the march of his thought. There is brilliant and beautiful imagery in all his writings, but no obvious striving for effect retards the tempo even in his most fervid outbursts. Only an educated man could read Burke with appreciation and understanding, but any dunce who could spell out words could follow Paine without missing the slightest shading of his thought. This quality of simplicity, clearness, and directness combined with a forceful, but infinitely graceful, flow of speech is manifest in all of Paine's writings, and is especially marked in *Common Sense*, *The Rights of Man*, and *Agrarian Justice*, which are his most abiding political works. Burke's sonorous sentences were tapestried by the most gorgeous imagination in the history of political literature; Paine's flashed with beauty like a gleaming sword swung in battle. They clashed like gods, and the echoes of their great debate are still resounding in the ears of the world.

Being first of all a polemicist, Paine did not attempt in any of his writings to round out a complete and balanced philosophy of the state. His main concern was to make a case or refute an attack, but in the course of his argument he rarely failed to set his feet on fundamental concepts and principles. In *Common Sense*, though his immediate purpose was to convince the American people of the folly of reconciliation with England and the necessity for independence, he founded his argument on more than political expediency. He visioned the American people not simply independent but with a republican form of government, and wrote to persuade them not only of the benefits of independence but of the villainy of monarchical institutions.

Monarchical government was invariably bad, he reasoned, because it violated the first principle of political science, namely, the distinction between society and government. "Some writers," said he, "have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants, and government by our wickedness; the former promotes our happiness *positively*, by uniting our affections, the latter *negatively*, by restraining our vices. . . . Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one; for when we suffer, or are exposed to the same miseries *by a government*, which we might expect in a country *without government*, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise. For were the impulses of conscience clear, uniform and irresistibly obeyed, man would need no other lawgiver; but that not being the case, he finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; . . . *Wherefore*, security being the true design and end of government, it unanswerably follows, that whatever *form* thereof appears most likely to insure it to us, with the least expense and greatest benefit, is preferable to all others." ¹

Monarchy, said Paine, could never measure up to that test, because it was established by usurpation and grew strong by despoiling its subjects. Government originated, he explained, when people in a "state of natural liberty" banded together by mutual consent to form a society for coöperation in common concerns. At first no government was necessary; there were few public affairs and every one was impelled by the sense of duty and the fear of public disapproval to obey the common regulations. But as the society grew in numbers and complexity, conscience alone was insufficient to compel obedience. Then, by common consent, agents were selected to wield authority in behalf of the society as a whole. Such was the origin of government; "namely, a mode rendered necessary by the inability of moral virtue to govern the world; here too, is the design and end of government, *viz.*, freedom and security. And however our eyes may be dazzled with show, or our ears deceived by sound;

¹ *Common Sense* (Patriot's Ed., 1925), pp. 97-98.

however prejudices may warp our wills, or interest darken our understanding, the simple voice of nature and reason will say, 'tis right."¹

The earliest governments in the world, according to Paine, were not monarchical. "Government by kings was first introduced into the world by the heathen, from whom the children of Israel copied the custom. It was the most prosperous invention the devil ever set on foot for the promotion of idolatry. The heathen paid divine honors to their deceased kings, and the Christian world hath improved on the plan by doing the same to their living ones. How impious is the title of sacred Majesty, applied to a worm, who in the midst of his splendor is crumpling into dust!"² The first kings got into power, he thought, either by lot, by election, or by usurpation. If by lot or by election, hereditary succession was excluded. Its subsequent establishment could be nothing short of usurpation. "As to usurpation, no man will be so hardy as to defend it; and that William the Conqueror was an usurper is a fact not to be contradicted. . . . But it is not so much the absurdity as the evil of hereditary succession which concerns mankind. Did it ensure a race of good and wise men, it would have the seal of divine authority, but as it opens the door to the *foolish*, the *wicked*, and the *improper*, it hath in it the nature of oppression. . . . In England a King hath little more to do than to make war and give away places; which, in plain terms, is to impoverish the nation and set it by the ears. A pretty business indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped into the bargain! Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived."³

The mixed form of government in England, which Englishmen generally admired as the world's finest exemplification of a constitutional monarchy, Paine ridiculed as a pompous absurdity. It was composed, he said, of certain survivals of monarchical and aristocratical tyranny so blended with newer republican materials as to cancel out to zero. As a contribution to the freedom of the state, in a constitutional sense, they amounted, in his judgment, to exactly nothing. "Wherefore, laying aside all national pride and prejudice in favor of modes and forms, the plain truth is, that it is wholly owing to the constitution of the people, and not the constitution of the

¹ *Ibid.*, p. 101.

² *Ibid.*, pp. 108-109.

³ *Ibid.*, pp. 118-122.

government, that the crown is not as oppressive in England as in Turkey.”¹

Needless to say, Paine’s *Common Sense* did not make sense to the gentry, but the common people understood him perfectly and quoted his trenchant phrases like verses of the Scriptures. There were many in America, even after independence became a fact, who favored the establishment of a monarchy, and at certain critical junctures there was serious talk of a *coup d’état* with that in view. But *Common Sense* had so thoroughly indoctrinated the masses with anti-monarchical ideas that practical men knew better than to try it. So bitter against monarchy had the American people become that the courtly formality of the universally beloved Washington drew vicious shafts of suspicion and satire.

Paine undoubtedly chose *The Rights of Man* as the title of his reply to Burke because of the latter’s emphatic and repeated denial of the existence or possibility of such rights. In Part I of his reply Paine proceeded at once to this bone of contention. Burke, quoting the act of Parliament at the accession of William and Mary, had declared that the English people had renounced their sovereign rights and agreed to “submit themselves, their heirs and posterities, for ever” to the authority of the crown; and by inference had argued that a similar renunciation had been agreed to at an early time by the people of France. To this Paine replied that it was nonsense. The English Parliament of 1688 may have had a right to put William and Mary on the throne and establish the conditions of their tenure and authority, but to bind all posterity—that was impossible.

“There never did, there never will, and there never can, exist a Parliament, or any description of men, or any generation of men, in any country, possessed of the right or the power of binding and controlling posterity to the ‘end of time,’ or of commanding forever how the world shall be governed, or who shall govern it; and therefore all such clauses, acts or declarations, by which the makers of them attempt to do what they have neither the right nor the power to do, nor the power to execute, are in themselves null and void.

“Every age and generation must be free to act for itself, *in all cases*, as the age and generations which preceded it. The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies.

“Man has no property in man; neither has any generation a property in the generations which are to follow. . . .

¹ *Ibid.*, p. 106.

"Every generation is, and must be, competent to all the purposes which its occasions require. It is the living, and not the dead, that are to be accommodated. When man ceases to be, his power and his wants cease with him; and having no longer any participation in the concerns of this world, he has no longer any authority in directing who shall be its governors, or how its government shall be organised, or how administered.

"I am not contending for nor against any form of government, nor for nor against any party, here or elsewhere. That which a whole nation chooses to do it has a right to do. Mr. Burke says, No. Where, then, *does* the right exist? I am contending for the rights of the *living*, and against their being willed away, and controlled and contracted for, by the manuscript authority of the dead; and Mr. Burke is contending for the authority of the dead over the rights and freedom of the living."¹

Burke had further insisted that "Government is not made in virtue of natural rights . . ."; that rights were mere abstractions which impeded practical government. Government, he had said, was a contrivance of human wisdom to provide for human wants, and the only right men could claim was that their wants should be met by that wisdom. The French *Declaration of Rights* he had shoved aside as "paltry and blurred sheets of paper about the rights of man."

"Does Mr. Burke," inquired Paine, "mean to deny that *man* has any rights? If he does, then he must mean that there are no such thing as rights any where, and that he has none himself; for who is there in the world but man? But if Mr. Burke means to admit that man has rights, the question then will be, what are those rights, and how came man by them originally?

"The error of those who reason by precedents drawn from antiquity respecting the rights of man, is that they do not go far enough into antiquity. They do not go the whole way. They stop in some of the intermediate stages of an hundred or a thousand years, and produce what was then done as a rule for the present day. This is no authority at all. . . .

"The fact is, that portions of antiquity, by proving everything, establish nothing. It is authority against authority all the way, till we come to the divine origin of the rights of man, at the Creation. Here our inquiries find a resting place, and our reason finds a home. . . .

"Every history of the Creation, and every traditional account whether from the lettered or unlettered world, however they may vary in their opinion or belief or certain particulars, all agree in establishing one point, *the unity of man*; by which I mean that all men are of one

¹ *The Rights of Man* (Patriot's Ed., 1925), pp. 20-21.

degree, and consequently that all men are born equal, and with equal natural rights, in the same manner as if posterity had been continued by *creation* instead of *generation* . . . ; and consequently, every child born into the world must be considered as deriving its existence from God. The world is as new to him as it was to the first man that existed, and his natural right in it is of the same kind. . . .

"Hitherto we have spoken only . . . of the natural rights of man. We have now to consider the civil rights of man, and to show how the one originates from the other. Man did not enter society to become *worse* than he was before, nor to have fewer rights than he had before, but to have those rights better secured. His natural rights are the foundation of his civil rights. But in order to pursue this distinction with more precision, it is necessary to make the different qualities of natural and civil rights.

"A few words will explain this. Natural rights are those which appertain to man in his right of existence. . . . Civil rights are those which appertain to man in right of his being a member of society.

"Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection.

"From this short review, it will be easy to distinguish between that class of natural rights which man retains after entering into society, and those which he throws into the common stock as a member of society.

"The natural rights which he retains, are all those in which the *power* to execute is as perfect in the individual as the right itself. Among this class, as is before mentioned, are all the intellectual rights, or rights of the mind: consequently, religion is one of those rights.

"The natural rights which are not retained, are all those which, though the right is perfect in the individual, the power to execute them is defective. They answer not his purpose. . . . He therefore deposits his right in the common stock of society, and takes the arm of society, of which he is a part, in preference and in addition to his own. Society *grants* him nothing. Every man is proprietor in society, and draws on the capital as a matter of right." ¹

No man had written so confidently about human rights since the time of Locke a hundred years before. And Paine was far more lucid than the great defender of the Whig Revolution, and in some respects more cogent. His practical and unpedantic mind refused to bother with an imaginary state of nature and a hypothetical social contract. Man was a fact. Surely he had a right to be a man! That merely meant a right to be and do whatever was requisite for human existence as conditioned by nature herself.

¹ *Ibid.*, pp. 64-71.

Society was a fact—a man-created fact. It greatly modified the position of man in the world. Should one assume that society had no function at all—just accidentally happened in the course of human experience? No man of the eighteenth century believed that, not even Burke. His concept of society assumed the presence of a purpose in the slow and complex processes of history and justified society on the basis of its service to mankind. Should one assume, then, that the function of society was to make the condition of man better or worse? That question, said Paine, could be answered in only one way. If the function of society was not to better the condition of man, it was an outrage upon intelligence and decency.

Reason must assume, therefore, that society existed, and had been created, to serve the needs of man. How silly, then, the contention that society destroyed the rights of man! It destroyed nothing, took away nothing. Nor did it grant anything. There was nothing to grant. The rights of man were complete before society was formed. All society did—and that was its primary function—was to perfect certain rights which man had always possessed but could not fully realize without the aid of social and political organization. Any society, any system of government, which failed in this, failed in its fundamental purpose and deserved to be destroyed.

This was not particularly subtle reasoning, but it was of a kind that plain and humble men could fully understand and approve. In their view it left Mr. Burke and his aristocratic friends not a leg to stand on. They bought Paine's book as fast as the presses could turn it out. In Paine's lifetime, it is estimated, over a million copies of *The Rights of Man* were printed and sold in England alone.

Paine was too good a propagandist, too keenly aware of the limitations of the average mind to get himself wound up in nebulous abstractions about the social contract. There was only one thing that mattered. That was the legitimacy of government contrary to the popular will, and Paine quickly threw it out of court.

"It has been thought," he observed, "a considerable advance toward establishing the principles of freedom, to say, that government is a compact between those who govern and those who are governed: but this cannot be true, because it is putting the effect before the cause; for as man must have existed before governments existed, there necessarily was a time when governments did not exist, and consequently there could originally exist no governors to form such a compact with."

"The fact therefore must be, that the *individuals themselves*, each in his own personal and sovereign right, *entered into a compact with each other* to produce a government: and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist." ¹

When Burke defined government as "a contrivance of human wisdom" and argued that the rights of man consisted of the advantages flowing from the discriminating judgments of political reason as to relative good and evil, Paine's retort was that he was talking nonsense with "astrological, mysterious importance."

"As the wondering audience whom Mr. Burke supposes himself talking to, may not understand all this learned jargon, I will undertake to be its interpreter. The meaning, then, good people, of all this, is, that government is governed by no principle whatever; that it can make evil good, or good evil, just as it pleases. In short, that government is arbitrary power." ²

Arbitrary power was the thing Paine hated above all else on earth; next to that he hated superstition. No man ever fought these twin demons more implacably or delivered more telling blows against them. His political creed was simply that of emancipation for the individual—not emancipation from society, but from government. In most cases, society, which was natural and self-regulating, would care for his needs better than government:

"To understand the nature and quantity of government proper for man, it is necessary to attend to his character. As Nature created him for social life, she fitted him for the station she intended. In all cases she made his natural wants greater than his individual powers. No one man is capable, without the aid of society, of supplying his own wants; and those wants acting upon every individual, impel the whole of them into society, as naturally as gravitation acts to a center.

"But she has gone further. She has not only forced man into society, by a diversity of wants, which the reciprocal aid of each other can supply, but she has implanted in him a system of social affections, which, though not necessary to his existence, are essential to his happiness. There is no period in life when this love for society ceases to act. It begins and ends with our being.

"If we examine, with attention, into the composition and constitution of man, the diversity of his wants, and the diversity of talents in different men for reciprocally accommodating the wants of each other, his pro-

¹ *Ibid.*, p. 74.

² *Ibid.*, p. 160

pensity to society, and consequently to preserve the advantages resulting from it, we shall easily discover that a great part of what is called government is mere imposition.

"Government is no farther necessary than to supply the few cases to which society and civilization are not conveniently competent; and instances are not wanting to show, that everything which government can usefully add thereto, has been performed by the common consent of society, without government." ¹

In the little pamphlet on *Agrarian Justice*, which was one of his later political writings, Paine retreated somewhat from his faith in the "common consent of society" as the best regulator of human affairs. Here he was attacking the problem of poverty and proposing a cure. Poverty, he stated, is a product of civilization, the result of private property, especially private property in land. Nevertheless he thought private ownership of land necessary in order to secure the proper cultivation of the earth and provide sustenance for its inhabitants. The trouble was that cultivation had resulted in land-monopoly. The gain issuing from the utilization of land by private individuals had caused men to lose sight of the distinction between ownership and use, and "the common right of all became confounded into the cultivated right of the individual." ² There was no hope of ever changing that, but the injustice done to the dispossessed might, Paine thought, be redressed. To this end he proposed a plan. By the levy of a 10% inheritance tax he would create a national fund. From this fund he would pay every person 50 years of age or more the sum of ten pounds a year, and to every person on arrival at the age of 21 he would pay the sum of fifteen pounds as part compensation for the loss of his natural inheritance.

Paine reasoned that the fund was financially well within the capacity of the country to establish and maintain, and that it would alleviate poverty by giving every person a little money to start in life and providing for his minimum needs after he had reached the age where his earning capacity began to decline. That this proposal, the world's first old age pension plan joined with a share-the-wealth program, should have come from one of the most uncompromising individualists the world has ever known, is one of those curious paradoxes that so frequently enliven the study of political thought. In his own view Paine was not at all inconsistent. The individual was still his main concern; to secure the individual

¹ *Ibid.*, pp. 240-241.

² *Miscellaneous Works* (Patriot's Ed., 1925), p. 13.

against poverty and gain him a measure of economic justice, he was ready to enlist the coercive power of the state. More than one individualist has become a socialist by a similar shift of mental gears. It is one of the easiest of all reversals to make.

VII

It is courting criticism to place Thomas Paine high among the paladins of political thought. Intramural philosophers have not welcomed him to their secluded quadrangles, and practicing statesmen have seldom turned to him for wisdom. But a man whose political writings sold into the hundreds of thousands and even millions of copies cannot be ignored. Whether or not he was an original and profound thinker, there is no denying that Thomas Paine was one of the most widely read, and one of the most influential, political writers who ever lived. Others had more weight with intellectuals, but Paine swayed the masses as few men have ever done. Nor did he merely popularize the ideas of other men. The stamp of intellectual integrity and power is manifest in everything he wrote. Like Shakespeare, he borrowed unhesitatingly from every convenient source; but he was no slavish copyist. He borrowed with rare discrimination, and imparted to what he borrowed qualities it did not originally possess.

It was never his aim to mine new veins of political thought or construct a system of political theory. Like his great antagonist, Burke, he was first of all a fighter. In politics he was the champion of freedom and democracy, and every line he wrote was inspired by some particular cause in which he had enlisted. His rôle was not to lead men into new and unfamiliar ways of thought, but to dislodge the enemy on established and familiar ground. In that rôle he did not fail. That the writings of Paine stirred the depths of English and American society and generated much of the drive which lay behind the democratic reform movements of the early nineteenth century, is a fact that cannot be disputed. Proof of this is furnished by the reactionaries themselves. To them Paine was the most hated of all radicals, unfailingly denounced as "the common enemy of mankind."

Paine's most useful, and perhaps most distinctive, contribution to democratic thought was that, in the language of Parrington, he gave "a fresh significance and vitality" to the theory of natural

rights "by the assertion of the doctrine of continuous reaffirmation of the social compact."¹ Refusing to be sunk in a mire of legal fictions based on a supposititious social contract in the misty past, he simply asserted what every rational democrat could readily understand and believe: namely, that every individual comes into the world with rights that none but himself and his own generation can limit or contract away. Logically it followed, then, that the people at any time might rightly change their government and adopt another more conformable to their wishes. It followed also that no constitution or law could be so hallowed by time or sanctified by established right as to overrule the will of a majority of the people. Regardless of the past, regardless of juridical niceties, the state, according to Paine's doctrine, must be recognized as an instrumentality of contemporary popular will. The state was made for man, not man for the state.

Paine came back to this point again and again. The only justification of the state, he repeated over and over, was its social utility. It existed to serve men in offices they could not perform for themselves. When it ceased to serve, it was a useless encumbrance; when it went beyond the necessary functions of service, it was pure tyranny. Bentham himself did put the utilitarian concept of the state more clearly or forcibly. It was for Bentham and his followers to evolve the full philosophy of utilitarianism. Paine was no utilitarian at all by their criteria. But it is a fact none the less that his persistent hammering home of the social utility doctrine did much to prepare a popular welcome for their philosophy when it finally emerged.

Few men did more than Thomas Paine to make political democracy a fact, and certainly no man can be said to have done more to shape the ideas with which the common man in England and America approached the responsibilities of government when the power finally came into his hands. The masses were more his pupils than of any other political writer of the eighteenth or nineteenth centuries, not excepting even Rousseau. He taught the masses to believe, as he believed, in democracy as the infallible producer of economic justice. He did not foresee, nor did any who accepted the gospel of democracy in his time, the coming of an age of industrial autocracy in which political democracy alone would not be enough to guarantee the rights of man.

¹ V. L. Parrington, *The Colonial Mind* (1927), pp. 332-333.

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CHAPTER XX

AMERICAN ECHOES

I

ON the American side of the Atlantic there was not, before the end of the nineteenth century, much to inspire universal philosophies of politics. While there was no dearth of political literature and political discussion, there was little in the way of comprehensive and systematic political thinking. Shoals of books and pamphlets on political subjects rolled from American presses, and the editorial sanctum and lecture platform resounded with political debate; but the ideas which bestrode the American arena were mostly European ideas in American garb. Few could be counted as remarkable contributions to the world's stock of political ideas, and fewer still were wholly native to American soil. The American scene was essentially provincial, and so was its political thought. But there was, nevertheless, on the American side of the ocean an immense amount of thinking down to fundamentals in political matters and a positive genius in the adaptation and amplification of borrowed ideas. If the New World echoed the Old, the echoes not infrequently returned from the American sounding board with augmented volume and strangely altered tone.

The chronicles of American political thought naturally divide themselves into six major periods. These are: the colonial period, the period of the Revolution, the formative period, the period of agrarian democracy, the period of the struggle over slavery and states' rights, and the period of modern industrialism. All but the last of these belong to the preponderantly provincial era of American political thought and will be treated as such in the present chapter. Recent American political thought will be dealt with as part of the latter-day thinking of the world in general.

II

The aggrieved colonials who precipitated the American Revolution did not conceive themselves to be contending for new and unprecedented rights, and had little consciousness of the utopian mission with which they are often credited. They stood, as they

saw it, on incontestable ground, demanding rights which were as concretely and positively established as anything could be. They claimed nothing that had not been recognized in the colonies for a century or more and which they supposed had been equally recognized in the mother country. How they came to believe what millions of Englishmen, including many who sympathized with the colonial cause, did not believe, cannot be understood without an examination of the trends of political thought in the colonies prior to the controversy which led to the Revolution.

The foundations of practically all the British colonies in the region of the North Atlantic were laid between 1607 and 1700, a period which included most of England's major political disturbances. Emigrants to the colonies, from whatever class of the population they came, were, in consequence of this fact, politically sensitized to a high degree. Every political idea that appeared in England was promptly transported to the colonies and put to work. But the colonies, being isolated and remote, obviously presented very different situations from those obtaining in the mother country. Applying old ideas to new conditions, and being largely out of touch with the homeland while doing so, the colonists inevitably arrived at conclusions at variance with doctrines obtaining in the mother country.

On five points of major importance the colonists came to think in terms unfamiliar to the average Englishman, though basing their ideas in every instance upon concepts imported from England and believing apparently that they were following English opinion. First, they developed a much firmer faith in the contract theory of political origins and an unshakeable belief in the contractual nature of the governmental institutions of the colonies themselves. Second, they came to have an extraordinary respect for written instruments of government as definite and rightful sources of political authority. Third, they became accustomed to the idea of changing political powers and structures whenever conditions seemed to require. Fourth, they achieved, in the northern and central portions, a largely Calvinistic conception of secular and ecclesiastical relations. Fifth, they began to question the basic legality of their subjection to English law.

From the prominence it had in the English civil disturbances of 1642-1688 it was to be expected that the social contract doctrine

would occupy a large place in colonial thought. It was natural, moreover, that colonial conditions and experiences should give their verdict in favor of the Lockean over the Hobbesian interpretation of that tremendous postulate. Government in the wilds of the western continent either had to be improvised by the men on the spot or authorized by some act assuming to extend the sovereignty of a European nation to the new hemisphere. When the settlers covenanted among themselves, as in the Mayflower Compact and the Fundamental Orders of Connecticut, there was no doubting the contractual character of the proceeding or the mutuality of obligation between subjects and rulers. When the king chartered a trading company and gave it political authority in the domains assigned to it, there was again a situation which seemed to partake of the nature of a contract. The powers which company officials could wield over the colonists were definitely limited by the charter. Furthermore, as a matter of actual fact, the power of the king himself to exercise authority in realms beyond the sea was greatly attenuated. His ability to apply coercion in those distant lands was largely dependent upon the willingness of the American settlements to accept his sovereignty. Here again was a situation to confirm the belief in mutual covenants between subject and ruler. In course of the colonial years the governmental arrangements of the English colonies were frequently changed. Charter terms were modified; charters were revoked and replaced by new charters; charters were transformed into wholly political instruments, the authority of the monarch supplanting that of the trading company; and in one instance the charter itself was transferred to the colony and held as a fundamental instrument of government. In consequence of these experiences it seemed quite evident to the American population that political institutions, and their own in particular, were the product of specific agreements under which subjects had rights as well as obligations.

Political authority, in the colonial view, was both an ascending and a descending phenomenon. By compact it ascended from the governed through the consent of wills; by delegation from the sovereign it also descended from above. Delegation originally was from the king, whose authority was deemed to be contractual. But, as time went on, delegation from the monarch seemed less in accord with the facts than delegation by the terms of a definite and particu-

lar written instrument. Hence the colonists came to think of sovereignty as vested, not in a certain person or body of persons, but in the fundamental law of the body politic. The issue in so many political disputes of the colonial period turned upon the provisions of a charter, statute, or other written law that the American mind came naturally to the idea of a sovereign constitution binding rulers and subjects alike. From this it was an easy step to the doctrine that the only just government was one of laws, not of men, and to the belief that hypothetical speculations as to the original social contract did not matter. For, according to the colonial view, the civil society in which they were placed did not go back to a pre-historic social contract, but rested upon specific acts of consent of recent and continuing character.

Political experimentation became as natural for the population of the American colonies as it was unnatural for the people of the mother country. Whenever change is frequent the trial-and-error attitude is bound to arise. Frequent changes had to be made in the political institutions of the American colonies for the simple reason that social and economic conditions were changing too rapidly for any permanent establishment of governmental arrangements to be made. The hundred years from 1620 to 1720 saw the unbroken wilderness between the seaboard and the Appalachian mountain chain transformed into a string of highly organized commonwealths extending from New Hampshire to Georgia. Everything was in flux, and political systems were of necessity tentative and temporary. In every colony political history was a story of old forms and processes of government being constantly revised or superseded. Thus the colonial mind became conditioned to political change and lost all fear of innovation.

Democracy gained a place in colonial political thought not through the preference of the colonists for democratic principles in theory but through their actual experience in community life. To a large extent this was attributable to the Calvinistic doctrines which, save in the South, prevailed in their ecclesiastical institutions. Calvinism insisted upon one thing above all others: the absolute freedom of the individual conscience. No political or ecclesiastical hierarchy was allowed to mediate between the individual and his God. The church was a company of communicants who had covenanted to dedicate themselves to God and conduct their lives

according to Bible precepts and principles. The individual congregation was the controlling unit of organization and owed obedience to God alone. The members of the congregation regarded themselves as a brotherhood voluntarily bound together in solemn covenant. Elders, deacons, and clergy only by the consent of the brethren and all vital questions must be referred to them for decision. Though in practice there were numerous deviations from this democratic norm of church government, it was the general rule, particularly in the New England and central colonies. Since the congregation was virtually coextensive with village and urban communities, as these arose, the democratic polity of the church was almost unconsciously transferred to the civil government of local communities. The town meeting in the political sphere corresponded with the congregation in the ecclesiastical. In the southern colonies the democratic principle did not find fertile soil, but on the rapidly extending frontier, where individualism and equality were indisputable facts, it was received as truth from God.

Though at first the colonists accepted without question the imperialist dictum that, being English subjects, they were as fully subject to English sovereignty and English law in the colonies as in the homeland, they gradually came to doubt and challenge that assertion. At the outset of the colonial era the laws of England made no provisions for the government of overseas dominions. Since, up to that time, England had no colonies to govern, both the common law and the acts of Parliament were silent on the subject. It was assumed, however, that English subjects owed allegiance to their home government wherever they might go or be and could not sever that allegiance by removing beyond the seas. Hence it was assumed to be properly within the prerogative of the king to extend to English subjects in the colonies the same rights and privileges that the home population enjoyed and to hold them to the same standard of compliance with English law. In course of time however, it became apparent that the whole body of English law could not be applied in the colonies as in England. There were local conditions with which the home authorities were not and could not be familiar. These required special treatment. The home government recognized this fact and made a practice of delegating to the various colonial governments a limited power of action in matters of local concern. But in the exercise of this power they had

to stay within bounds. Any act of a colonial government contravening the laws of England was null and void and might be set aside regardless of the wishes of the colonial population. This unsatisfactory state of affairs deflected colonial thinking to new lines of rationalization. The colonial governments, it was argued, were not in the same position as political subdivisions such as boroughs or municipal corporations. They were not subdivisions at all, but new political communities which had voluntarily consented to submit to the English crown and be governed by English law. Therefore, the argument ran, they were coördinate, not subordinate, governments and were bound by English law only to the extent of their consent. This doctrine made rapid headway in the years just preceding the Revolution.

III

When Mother England decided, about the middle of the eighteenth century, that she had not taken sufficient parental interest in the affairs of her North American offspring and sought to draw them closer to her, she found them, to her vast surprise, no longer wanting to be mothered. A century and a half of rather casual concern about the management of colonial affairs, had begotten the inevitable consequences of parental neglect. The children had learned to shift for themselves and preferred to do so. Not that they had any active wish to disavow their parentage and withdraw from the family circle. Quite the contrary. Pride of family and lineage was exceedingly strong among the colonics, in fact second only to their pride in themselves; which, unhappily, had grown to such proportions that they could not willingly preserve the family connection on any other basis than equality. When the mother country refused this concession a rupture became inevitable, and in the end it meant not only a rupture of political connections, but a break with the theories of government then prevalent in England.

Since the Revolution of 1688 English political thought had cooled to a settled and rigid constitutionalism pragmatically adjusting the prerogatives of Crown and Parliament and laying the rights and duties of Englishmen almost wholly in the lap of the latter. That British subjects could have autonomous rights, underived from any grant of Parliament, imprescriptible by Parliamentary authority, was wholly incompatible with the legal theory on which the English

constitutional system had come to be predicated. The colonists, reading history in the light of their own experience and prepossession for equality, insisted that they not only had such rights but had enjoyed them from the very first. That these claims were not in accord with accepted constitutional theory and practice daunted them not at all. There was an earlier and more congenial body of English political doctrine to fall back upon, and they turned accordingly to the writings of the great English revolutionists (especially Locke) as to the pages of Holy Writ. Here they found a perfect brief for their case; and, after Thomas Paine's devastating attack, in *Common Sense*, on monarchical institutions, even constitutional monarchy, there was no longer any respect among the American patriots for the conservative principles of English constitutionalism. American political thought had gone completely revolutionary.

The rebels knew exactly what they didn't want. They didn't want to be taxed by a government three thousand miles across the sea, a government in which they had no direct voice. Nor did they want their commerce controlled by such a government, or their liberties of person and property dependent upon prosecutors and judges subject to its bidding. But, when they objected to the stamp tax or the impost on tea and cried, "No taxation without representation," they were met with the argument that the taxes were fair and reasonable (which was true; they were not excessive or even burdensome); that Parliament represented not certain sections or classes, but the whole English nation (which was also true in legal theory); and furthermore that the fact that the colonies elected no members of Parliament was no discrimination, because the same was true of many important subdivisions of England itself. When they objected to the Navigation Acts and other trade regulations, they were told that these were for the good of the Empire as a whole, would benefit the colonies as much or more than any other part of the Empire (which in fact they did), and were constitutionally within the province of Parliament. And when they most vehemently objected to the Writs of Assistance and other enforcement measures, they were reminded of the sanctity of law and the necessity of rigorous suppression of violations.

There was no "out" for the resisters but to appeal to a higher law than the British Constitution. Protagonists of the Puritan and Whig

Revolutions the century before had vindicated their course by claiming the sanction of natural rights and the social compact. If these were good arguments for Pym, Hampden, Cromwell, and William of Orange, they were equally good for the colonial cause. Moreover, as we have already observed, the political experience of the colonies had been such as to impart to these doctrines in the New World a freshness and reality they did not possess in the Old.

The colonial view was vigorously and eloquently expounded. Militant pens were busy in all of the colonies; most prominently, however, in Massachusetts, Pennsylvania, and Virginia. James Otis and Samuel and John Adams of Massachusetts; John Dickinson, James Wilson, and Thomas Paine of Pennsylvania; and Thomas Jefferson of Virginia are the men who wrote most cogently and effectively on the colonial side.

James Otis, best known for his philippic against the Writs of Assistance, wrote in 1764 the first widely circulated pamphlet rationalizing the colonial position. In this, after discussing various theories of the origin of government—divine grace, force, property, compact—and dismissing them all, Otis said, "Let no man think I am about to commence advocate for *despotism*, because I affirm that government is founded on the necessity of our natures; and that an original supreme Sovereign, absolute, and uncontrollable, *earthly* power *must* exist in and preside over every society; from whose final decision there can be no appeal but directly to Heaven. It is therefore *originally* and *ultimately* in the people. I say this supreme absolute power is *originally* and *ultimately* in the people; and they never did in fact freely, nor can they rightfully evoke an absolute, unlimited renunciation of this divine right."¹ From this premise, which excluded the possibility of a Hobbesian compact or any other constraint upon popular sovereignty, Otis deduced the conclusion that no constitutional arrangement that ever was or could be established in England could lawfully deprive the colonists of their inherent and natural rights as men. The only valid basis of government was the consent of the governed; and they could never lawfully renounce their right of consent. Wherefore it followed that the people of the colonies were free to object to the acts of Parliament and had a right to insist that no legislation be enforced upon them without their consent.

¹ Quoted in B. F. Wright, *A Source Book of American Political Theory* (1929), pp. 46–47.

In so far as propagandism could do the work, Samuel Adams, more than any other man, was the father of the American Revolution. Indefatigable agitator and voluminous writer for the newspapers, Samuel Adams voiced the spirit and thought of the Revolution twenty years before it arrived, and by his persistent opposition to Toryism in all forms he roused the American populace to vigilant concern for their liberties. Politics was his game—in fact his bread and butter—but he was not too occupied with the practical side to master the theoretical. He was a diligent student of the great political classics and bolstered his arguments with liberal citations from Grotius, Pufendorf, Montesquieu, Hume, Locke, and other great political thinkers. Much of his heavy ammunition was drawn from Locke. On Locke's doctrine of natural rights Adams squarely rested his contention that the colonists could not be lawfully taxed without their own consent. Property, Locke had said, was one of the inalienable rights of man, and the preservation of property the chief end of government. How, then, could any constitution validly authorize the taking of property without the consent of the owner? The English constitution, said Adams, was never designed to establish authority, in Parliament or elsewhere, to violate the rights of man. Its purpose, from Magna Charta down, was to perfect and safeguard those rights. Obviously, therefore, any statute infringing upon them was null and void. The rights of the colonists, he triumphantly proclaimed, were even more fully protected than the rights of other Englishmen: for they were surrounded with the additional paling of the colonial charters, which conferred immunities beyond the reach of Parliament.

John Adams, though chiefly remembered as the second president of the United States, was one of the most prolific political essayists of his generation, and one of the most acute. Unlike his doctrinaire kinsman, he took little stock in abstractions and generalities, such as natural rights and social contracts. In the revolutionary struggle he stood with the radicals in action but not in thought. Though not quarreling with the natural-rights-social-compact theory in the large, he thought it had little bearing on the controversy between England and the colonies. The real issue, as he saw it was one of practical constitutional principles. Great Britain had reached a point in her constitutional development, he believed where former concepts must be reconsidered and adapted to new

situations. The Empire could no longer be conducted on a parent-child basis, but must be acknowledged as a partnership of equals, which in fact it had become. The British constitution, he felt, should be looked upon as the fundamental law of the Empire, determining the equal rights and duties of the partners. In that case an act of any partner in derogation of the equal position of another would be null and void, and should be so adjudged by the courts.

John Dickinson has been called the "spokesman of the Colonial Whigs," a title which places him somewhere between the radicals and the Tories. He was perhaps the most conciliatory of all advocates of the colonial cause. Gripped by the grand idea of imperial unity, he was ready to concede almost everything to the mother country except the right to tax the colonies against their will. That no true Whig could allow; for the essence of Whiggism was the special rights of property. The Whig approved without reservation the dictum of Locke that the chief end of government was the protection of property, and believed that control of the purse by those subject to the exactions of government was a vital and inalienable right. When, therefore, the English Parliament undertook to levy taxes to which the colonies objected, John Dickinson was stirred to battle. If Parliament could extinguish the right of consent in the colonies it might do the same at home, and there would be no security for property anywhere. In his widely read *Letters from a Pennsylvania Farmer* Dickinson (who was a wealthy lawyer and a gentleman farmer) undertook to show that the tax program of the English ministry was a gross infraction of the constitutional rights of property owners in the colonies. The mere fact that a hundred years of acknowledged precedent declared the contrary only fired his zeal to prove the point. He would grant the right of Parliament to levy an "imposition" for the regulation of trade, if the primary purpose was not to raise money. But where the fundamental object was to mulct the owner of his property to enrich the public treasury, Mr. Dickinson said nay. This was a violation of the "unalterable right of property," which belonged as much to Americans as Englishmen. Almost to the last Dickinson counseled moderation, hoping, no doubt, that English Whigs, eloquently led by Pitt and Burke, would prevail upon Parliament to see the American view and avoid a rupture. But when it finally became apparent that the

ministry was going to ride down all opposition, Dickinson put in with the radicals and plumped for revolution.

James Wilson is one of the almost forgotten men of American history. A Scotsman who, after graduation from the University of Edinburgh, emigrated to Philadelphia, read law under John Dickinson, became a leader at the bar and an even greater leader in public affairs, Wilson is remembered, if at all, by reason of his service in the Constitutional Convention of 1787 and his later service on the Supreme Court of the United States. To the keen legal mind of Wilson also should be credited the argumentation underlying the resolution of the First Continental Congress which denied the power of Parliament to make binding law for the American colonies. In a paper published in August, 1774, Wilson, after restating Locke's doctrine of natural rights, derived as a consequence the postulate "that the happiness of society is the first law of every government." This law, he continued, must "control every political maxim" and "regulate the legislature itself." Unless this law be paramount and be faithfully observed, there is no liberty. Then he raised the question, Could the supremacy of the British Parliament insure the happiness of the American colonies? Obviously not. Not even when they wanted to do so could Parliaments assure the happiness of overseas populations, because they could not have a sufficiently close knowledge of colonial conditions and needs. To protect themselves against the errors and misdeeds of Parliament the people of England had certain means of control and restraint. These were not shared by the American colonists, who if bound by the acts of Parliament, were bound as slaves, not as freemen. But the colonists were not slaves; they were free English citizens. Hence it must follow that the acts of Parliament were not legally binding upon them without their consent.

Of Thomas Paine we have already spoken at length in Chapter XIX. Despite his prodigious contribution to the American Revolution, Paine cannot be counted as strictly an American political thinker. The American Revolution was only six months ahead when Paine arrived in Philadelphia. In the debate leading up to the outbreak of rebellion he had no part, and though his *Common Sense* and *Crisis* were unquestionably the most powerful political documents put out during the war, they could scarcely be called

indigenous. Their arguments reflected a universal rather than a purely American point of view.

The name of Thomas Jefferson is indelibly associated with the Declaration of Independence. Actually the Declaration was the handiwork of a committee consisting of Jefferson, Franklin, Adams (John), Livingstone, and Sherman; but, because Jefferson prepared the first draft and the philosophy and phrascology of the final document are largely his, the chief authorship is generally imputed to him. It was his greatest contribution to the literature of the Revolution, the greatest perhaps by any man. In two hundred words it summed up the whole philosophy on which the rebel cause was founded. It was the philosophy of the English Revolution epitomized by Jefferson, and indeed broadened; for by changing the Lockean trinity—life, liberty, and property—to life, liberty, and *pursuit of happiness*, Jefferson incorporated in the American credo a note of humanitarianism which was lacking in seventeenth-century Whiggism. Jefferson was only thirty-three when he drafted the Declaration. His greatest service to the cause of democracy in America and his most extensive political writings were to come in the period after independence had been achieved. We shall deal with his political ideas more at length in our survey of that period.

IV

Long before independence was won it became apparent that the political philosophy of the Revolution would be exposed to a severe test as soon as the American people had fully embarked on the billowy seas of self-government. Not even the crisis of war and invasion had deterred the states from ominous adventuring in the unbroken wilderness of majority rule. Instead of acquiring caution from these experiences, they were seemingly bestirred to greater rashness. Finding themselves, at the close of the struggle for independence, bound together in a loose federation devoid of restraining authority, they plunged into an orgy of inflation, debt-cancellation, property-confiscation, and ruinous commercial rivalries which cast a pall of depression upon the land. Business was paralyzed; fortunes and savings were swept away; nothing was secure, not even titles to land. The intended beneficiaries of this leveling legislation quite often suffered as much as its intended victims. Their expected gains melted away in the universal demoralization of economic life.

The swing of the pendulum is not always swift, but it is as certain as anything in the sphere of political behavior. Having tasted popular rule and found it bitter; having tested the democratic dogmas of the Revolution and found them disillusioning, multitudes of Americans began to wish for a change. A reaction, led by men devoted to the interests of property and business, had definitely set in by 1785. By 1787 it had gained sufficient momentum to force the calling of the Philadelphia Convention to propose revisions to the Articles of Confederation, and by the end of the following year it was strong enough to secure the ratification of the new Federal Constitution framed by that assembly of delegates.

In the struggle over the new Constitution American political thought rose to stratospheric altitudes. Never before and never since has political debate in this country attained so high a plane of philosophical inquiry and argument. The doctrines of the Revolution had been well learned, so well in fact that the conservative reaction could not hope to win on discontent alone. A majority of the population might welcome a change, but they were not ready for a return to the old order. They would be glad to see the federal system improved, rendered "more adequate to the exigencies of the Union," but they were still passionately attached to natural rights, popular sovereignty, and the other great watchwords of the Revolution. Not even for stability and prosperity would they surrender these priceless boons. Popular leaders like Samuel Adams, Patrick Henry, Luther Martin, and Thomas Jefferson, though conceding the necessity of stronger and better coördinated government, insisted that this be accomplished within the framework of the Declaration of Independence. The Federalists had to meet them on their own ground; not only had to attack their fundamental tenets, but had to provide a substitute philosophy of freedom which would serve to lure moderately inclined men from the Anti-Federalist to the Federalist camp. Thus was the discussion raised from the level of mere expediency to one of fundamental political theory.

Relying upon the trusty armaments of the natural rights school, Anti-Federalist writers and speakers insisted that the federal system must be founded upon the principle of equality. The existing confederation, they said, was a compact between equals; territory, population, wealth made no difference. It had required the consent of all the states to make it, and under its terms they stood on

equal footing. It could not be dissolved without the consent of the state legislatures; and, if dissolved, the states were merely thrown back into their original condition of independence and equality. Even though an attempt were made to form a new union by disregarding the state legislatures and appealing directly to conventions elected by the people, the principle of equality could not be escaped; for that would simply be a return to the state of nature wherein political communities, like individual men, are equally free and equally independent. After thus denying the underlying validity of the new Constitution, the Anti-Federalists proceeded to smite it hip and thigh, sparing no detail in their withering assault.

The defense of the Constitution against this frontal attack produced America's greatest political treatise. Alexander Hamilton, James Madison, and John Jay were its authors. In a series of articles published in New York newspapers between October, 1787, and April, 1788, they expounded and defended the theory of balanced and limited government with an opulence of intellectual and literary genius which has placed *The Federalist*, as this collection of papers has come to be known, high among the world's masterpieces of political literature. It is one of the few American books on government which have achieved world-wide repute and recognition. Since the articles were all signed with the pseudonym Publius, there has been some question as to the apportionment of honors among the authors. Modern historical scholars generally ascribe 51 articles to Hamilton, 29 to Madison, and 5 to Jay, and agree that it was Hamilton who planned the series and supervised their publication. The writing of the most difficult and profound portions of the work fell, however, to Madison.

The twin pillars upholding the proposed constitutional structure were a federal plan subordinating state equality to national unity and a threefold scheme of checks and balances in the organic arrangements of the governmental system. Both were innovations; both went down to the very bedrock of political theory. Common to both was the fundamental concept of division and limitation, denying concentrated authority even to a sovereign people. To justify in principle these basic ideas and defend the Constitution in every other essential was the task to which the authors of *The Federalist* addressed themselves. But instead of taking up one by one, without logical sequence, the chaotic multitude of objections that were

being flung at it, the brilliant and orderly mind of Hamilton conceived the magnificently simple plan of a systematized series which would give the reader a clear and connected analysis first of the general principles and then of the detailed provisions of the new governmental plan. In carrying out this design the authors traversed the whole field of political science and produced a complete and well-knit treatise on government.

The Philadelphia Convention had witnessed a sharp cleavage between the dogmatic idealism of the radical group and the unbending conservatism of the reactionaries. Between the two, fortunately, there stood a masterly faction of moderates, who skillfully brought the two extremes of opinion together on the great compromises that make up the foundation stones of the Constitution. Essentially conservative, keenly realizing the need of strong and stable government, yet having a strong prepossession for individual rights (especially rights of property), these moderates perceived the possibility of uniting the American people in a system of government that would concentrate power where concentration was needed for uniformity and strength, but would still constrain and circumscribe in directions necessary for the protection of both state and individual rights. They won the Convention to their view and framed the Constitution on that principle. In *The Federalist* Hamilton and Madison, both leading members of the Philadelphia Convention supplied a rationale for the work of that assembly.

The point of view adopted by the authors of *The Federalist* was consistently that of the practical statesman considering theories and principles in the light of human experience over the whole span of history; testing every institution by the known realities of actual everyday government. This calm and analytical approach is admirably illustrated by the tenth paper of the series, in which Madison put popular government under the microscope and revealed its danger points.

"Among the numerous advantages promised by a well-constructed Union," wrote the scholarly Virginian, "none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice. . . . The instability, injustice and confusion introduced into public councils, have, in truth, been t

mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. . . .

“By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community. . . .

“The latent causes of faction are . . . sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment of different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.”¹

Had those lines appeared in this morning's paper instead of the New York *Packet* of November 23, 1787, they could not more perfectly explain the bedlam of competing interest-groups which threatens the solvency and stability of the American nation—the endless turmoil born of the relentless drives of veterans, farmers, labor unions, utilities, and hordes of other “factions” to satisfy their particular interests regardless of all other considerations; the muddled course of the ship of state, zig-zagging aimlessly hither

¹ *The Federalist* (Everyman's Library, 1911), No. x.

and yon in response to the multitude of rival hands at the helm. It was not merely a prophetic utterance but one founded upon a close and penetrating study of the governments of the past.

"There are two methods," Madison pointed out, "of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

"There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence [the method of Stalin, Mussolini, and Hitler]; the other, by giving to every citizen the same opinions, the same passions, and the same interests [a classless society].

"It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

"The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be the objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues the division of the society into different interests and parties."¹

Observe how fully Madison grasped the realities of human nature and their inescapable effects on political behavior. Also note how clearly he saw through the natural rights theory and used it to reinforce his argument. One basic cause of factional strife is liberty. By abolishing liberty factionism can be suppressed. But the extinction of liberty is worse than the evils of faction. The second basic cause of factionism, wherever there is sufficient liberty of thought and action, is the enormous variation of human faculties, motives, and interests. Mould human behavior to a single pattern?

¹ *Ibid.*

It cannot be done, and should not be attempted. The faculties with which men are endowed by nature make up the very substratum of those natural rights which it is the first duty of government to protect and conserve. How, then, may faction be combated?

"The inference to which we are brought," said Madison, "is, that the *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*."

"If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. . . .

"By what means is this object obtainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needfull.

"From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time be perfectly equalised and assimilated in their possessions, their opinions, and their passions.

"A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking."¹

The remainder of the article endeavored to show how, by the refinements of representation in an indirect system of government, the tendency to factionism might be offset; and especially how the new Constitution, by confiding certain interests to the national and others to the state or local governments and by employing indirect and constitutionally limited modes of action, would promote that end.

We have quoted at length from this essay, because it is not only one of the best in *The Federalist*, but one of the most penetrating discussions of the fundamentals of free government in all the pages of political literature. Blending a close observation of actual political phenomena with a thorough knowledge of history and an assiduous study of the great classics of political thought, Madison unerringly cut to the very core of the problem of popular government. How to maintain liberty and yet have a government of sufficient strength and independence to withstand the pernicious drives of self-centered pressure groups, a government responsive to the popular will but immune to the vices of demagoguery and faction, a government of and by all the people and likewise for the equal advantage and benefit of all—that has ever been and is to-day the unsolved problem of free government.

The authors of *The Federalist* did not hold up the new Constitution as a perfect solution of this age-old problem, but they did argue, and with great cogency, that it was better designed to that result than the Articles of Confederation, better perhaps than any previous instrument of government in the history of the world. Beholding on a large scale in American political life to-day the very evils which the Fathers thought the Constitution would cure, it is natural to rate them as poor prophets. But we must not forget the assumptions on which their judgment was based. They assumed, and had no reason to assume the contrary, that their country would remain a sparsely populated agricultural nation; that fortunes would remain small and that concentrated wealth would never play a large part in public affairs; that the ownership of property would continue to be widely diffused; that a great urban proletariat

¹ *Ibid.*

would never appear on American soil; that slavery was a dying institution and would gradually disappear; that public office would always be the privilege of the upper classes and that the spoils system would never corrupt the American nation; that the suffrage would always be restricted to taxpayers or property owners; and that the American population would always be chiefly composed of native Americans of Anglo-Saxon descent. On these assumptions, their predictions regarding the Constitution were well founded. The fact that the Constitution has survived, though not without considerable adaptation, the greatest social and economic transformation in the history of mankind indicates what might have happened had the conditions of political society remained as the Fathers expected.

An exhaustive review of *The Federalist*, though it would be highly illuminating in connection with the constantly recurrent cry against the subversion of the Constitution, is beyond the purpose of this chapter. We must confine ourselves here to its fundamental ideology. The argument of the tenth essay of the series was directed, as we have seen, to the necessity of dissipating the force of pressure politics and justified the new federal plan on the ground that it would go far to accomplish this result. The very same argument was later employed in defense of the principle of checks and balances in the organic structure of the new government. This thesis is most fully set forth in the fifty-first number, which is attributed to Hamilton or Madison and expresses a view which both certainly entertained.

It was desirable, wrote the ever lucid Publius, "to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty. . . ." Concentration of power was manifestly dangerous, and therefore each department should have "a will of its own" and be so constituted that its members should have "as little agency as possible" in the affairs of the others. In spite of this, no doubt, each would gradually find ways of trespassing across the boundary lines.

"But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defence

must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”¹

Such was the political philosophy of the Fathers of the Constitution—a hard-headed realism which dismissed vapory abstractions and lofty ideals as untrustworthy and unattainable, predicated the science of government upon the vices rather than the virtues of human nature, and devoted its ingenuity to the invention of a political system that would safeguard liberty and promote the common welfare in spite of the follies and perversities of mankind.

V

By dint of their genius for practical politics the Federalists won. Not only did they “put over” the Constitution, but they gained and held control of the new government for twelve years. Immediately upon their access to power they embarked upon a program of centralizing legislation which provoked bitter opposition from the irreconcilable states’ rights group and alienated many of the moderates who had greatly aided in the adoption of the Constitution. In the national interest the Federalist Party, led by Hamilton, vigorously pushed through measures levying a protective tariff, establishing a national bank, providing for the full payment of the debts of the old Confederacy, assuming the debts of the states, and levying excises upon whiskey and other commodities. The reaction was instant and violent, extending even to Washington’s cabinet, where Hamilton and Jefferson, as the latter said, were “pitted against one another like game-cocks.” Feeling would have run to high temperatures without extraneous influences; but the Federalists had scarcely grasped the reins of office when the French Revo-

¹ *Op. cit.*, No. li.

lution burst upon the world and excited a tremendous resurgence of democratic sentiment. The gorgeous shibboleths of '76 were brought out of retirement, polished to new luster with the powerful abrasives of French revolutionary philosophy, and employed as rallying-cries by the Anti-Federalist opposition.

The unpopularity which the aggressive nationalism of the Federalist régime normally would have evoked was greatly enhanced by the Jay Treaty, which was popularly construed as a surrender to England; by the neutrality policy, which the Francophile portion of the population denounced as a violation of our treaty obligations to France and a base betrayal of the cause of democracy; and most of all by the incredibly stupid Alien and Sedition Laws which, in ruthless disregard of civil liberties, surpassed the most repressive acts of the British government in colonial times. Once more cast in the agreeable rôle of crusaders for the rights of man, the Anti-Federalists (now calling themselves Republicans, to emphasize the monarchical leanings imputed to the Federalists) carried all before them in the elections of 1800.

Acclaimed by multitudes as a second American Revolution, the triumph of the Jeffersonian party did not materialize the great reversal which had been expected. The states' rights people and the rapidly growing artisan and small farmer classes which had rallied to the Republican banner had anticipated a return to easy-handed ways of the old Confederation. But that was not to be. The Federalists were still intrenched in the judicial branch of the national government and had sufficient numbers in Congress to do a lot of braking. Moreover, Jefferson the President proved a somewhat different person from Jefferson the opposition leader. Though never forsaking his democratic philosophy and often sorely beset by doubt on points of constitutional authority, Jefferson was first of all a practical politician and statesman. Better than any man of his time he understood the rule of expediency; and it happened during his eight years in office that expediency directed him upon certain courses as contrary to the dogmas of his party as any the Federalists had pursued. His Embargo and Non-Intercourse Acts invoked federal authority to the ultimate degree and set the Federalists shouting for states' rights and individual liberty.

In the two administrations of Madison a sharp cleavage appeared among the Republicans. The "young war hawks of the West," led

by Clay, were national expansionists who differed little in fundamental thought from the Hamiltonian school of former times, but could not unite with the Federalist remnant which had shrunk to a bitter and irreconcilable New England faction concerned with sectional interests only. Madison, a Federalist of 1788, had gone with Jefferson in the struggle of 1800, but was still enough a Federalist to succumb to the pressure of Clay and his followers. Party harmony was somewhat restored under Monroe, but the rupture was too fundamental for permanent alleviation. Unerringly following the path to power, the great financial and propertied interests had moved into the Republican Party and largely gained control over it. Radicals began to refer to themselves as Democratic Republicans with the emphasis on the "Democratic." The Clay and Adams people in order to call attention to their constitutional principles began calling themselves National Republicans with the emphasis on the "National."

The election of John Quincy Adams in 1824, by a coalition of National Republicans in the House of Representatives after Jackson, the leading Democratic Republican candidate, had won a plurality of both popular and electoral votes, precipitated the final break. Forswearing the appellation "Republican," the Jackson people proclaimed themselves the Democratic Party and achieved a smashing victory in 1828, by appealing to the common people to arise and drive the hated aristocrats from power. Jackson stood for equalitarian democracy, undiluted and unrefined. His election, in the opinion of ardent exponents of popular sovereignty, marked the third American Revolution. The National Republicans were obliterated. In 1834 the remnants of the National Republican faction combined with various Democratic malcontents to form the unstable Whig Party, a prototype, in theory, of English Whiggism.

The political thought of this fascinating period of our national history consisted in the main of reaffirmations and elaborations of the democratic creed of Jefferson answered by a defiant rear-guard of the slowly retreating stake-in-society school of Hamilton and the patristic period. Thomas Jefferson and John Taylor stand out as the best representatives of the democratic view, while John Marshall and Daniel Webster are undoubtedly the foremost of the conservatives.

The collected writings of Thomas Jefferson number many vol-

umes. From youth to old age his pen was never idle. Government was the principal theme of his literary labors, though he wrote on many other subjects as well. Extensive as were his political writings, his only systematic work on government was *Notes on Virginia*, written in 1781–1782 in response to a request from the secretary of the French legation for information regarding the government and economic conditions of that commonwealth. In this book Jefferson fully expounded the theory of agrarian democracy to which, in spite of the many inconsistencies of his political career, he remained faithful all his life. Deeply read in the political classics, and especially influenced by the idealistic doctrines of the seventeenth and eighteenth century liberals both of England and France, Jefferson found in the agrarianism of the French Physiocrats a system that seemed to fit American conditions perfectly. *Laissez faire*, *produit net*, and *impôt territorial* were more than theories in America; they were actual conditions which it must be the design of political science to preserve and perpetuate.

Wealth, according to the physiocratic doctrine, is produced only by agriculture and the other extractive industries. Manufactures and commerce merely exploit what these have produced. The only real addition to the wealth of a community is found in the excess of the mass of agricultural products over their cost of production, i.e., *produit net*. Statecraft should aim, therefore, to keep manufactures and commerce at an indispensable minimum. They and the professions are “sterile” occupations, drawing their sustenance entirely from the extractive industries (principally farming) which are impoverished when the non-producing occupations are expanded beyond what is absolutely necessary. This doctrine appears in Jefferson’s writings again and again. Let the mercantile principle prevail in Europe if need be, was his dictum in *Notes on Virginia*; for America there was another and better principle. Here was “an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? . . . Generally speaking the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. . . . The mobs of great cities add

just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.”¹

The physiocratic doctrine of *laissez faire* stemmed from the great principle of natural rights, which was axiomatic in Jefferson's political thought. Granting that all individuals have natural rights, even if they have unequal natural capacities, it is plain, said the physiocratic philosophers, that they will be most likely to benefit fully from the capacities they have when they are equally free to use the capacities with which nature has endowed them. Therefore it was both politically and economically wrong for the state to intervene in human affairs beyond the necessities of peace, order, and the fulfillment of contracts. This was in full accord with Jefferson's deepest convictions. Fully aware though he was of the dangers of weak government, he feared the abuses of authority more. In the *Notes on Virginia* he argued against the concentration of all powers of government in a single legislative body, but later in life he displayed less confidence in checks and balances. His experience in office had convinced him that “Mischief may be done negatively as well as positively,” as he said in a letter to John Adams in 1815. The greatest security against the abuse of power, he came at last to believe, was to place the control of government as fully and directly as possible in the hands of the people. However dangerous this might be in Europe, where “in the hands of the *canaille* of the cities . . . it would be instantly perverted to the demolition and destruction of everything public and private,” in the democracy of farmers and villagers, virtually all property owners, which Jefferson visioned for the United States, it was not only safe but necessary that the people rule themselves. Thus only could they be armed against the sinister forces constantly at work in every society to control the state and through it the rights and liberties of the people.

There would be abuses in a democracy, to be sure. The cure for such abuses, said Jefferson, was more democracy. Keep the government continually close to the people and abuses would ultimately be rectified. Universal manhood suffrage, popular election of executives and judges as well as legislators, local self-government (including of course states' rights), universal free education, religious

¹ *Notes on Virginia* (1784), p. 302.

freedom, freedom of speech and of press—these were the great talismans by which democracy would succeed.

The real philosopher of Jeffersonian democracy was not Jefferson but the now obscure John Taylor (1750–1824) of Caroline County, Virginia—always referred to as John Taylor of Caroline to distinguish him from others of the same name. Taylor did what Jefferson, busy with a thousand things, had not the time nor perhaps the inclination to do. He produced a systematic and comprehensive argumentum for the popular movement. Though overshadowed by more colorful figures in the pages of American history, Taylor was rated high among the democratic leaders of his day. He was three times elected to the United States Senate and served several terms in the Virginia legislature, but, unlike many of his better-known contemporaries, he did not make politics a career. He was first of all a gentleman farmer of the classic Virginia type, second a student of political philosophies, and third a reluctant incumbent of public office periodically drafted to represent his county and state in legislative councils. Taylor wrote numerous political pamphlets and three outstanding books. The latter are: *An Inquiry into the Principles and Policy of the Government of the United States* (1814), *Construction Construed* (1820), and *New Views of the Constitution of the United States* (1823).

As though to atone for the want of literary grace, Taylor's works are impressively solid and analytical. Farmer-like, Taylor must dig deep into the soil of politics and lay bare the root structure of the state. A disciple of Jefferson, professing the same physiocratic creed and the same belief in agrarian democracy as the best means of realizing the ideal nature-régime of the physiocratic school, he was not content with unsubstantiated theory. He must get down to realities—especially economic realities and base his theory on close reasoning from fundamentals.

The *Inquiry* was written to expose the fallacies of *The Federalist* and John Adams' *Defense of the Constitution*. As much an economic determinist as Madison, Hamilton, or Adams, Taylor disputed their deductions and endeavored to show that their economic interpretation of history was not in accord with the facts. To Adams' theory of inevitable aristocracy resulting from differences inherent in human nature and Hamilton's doctrine of inevitable aristocracy resulting from differences of wealth, he makes the same answer—not

proved. They assume that the social and economic inequalities found among men are the direct result of their natural inequalities. The assumption, Taylor insists, does not square with the facts. No such correlation exists. In God-given abilities the rich and well-born are not as a matter of fact invariably or even usually superior to the poor, nor are the poor and lowly more generally made of inferior stuff than the upper classes. "A theory or hypothesis, cannot pretend even to plausibility, unless it is deduced from some general law of nature. One which sets out upon the foundation of hereditary orders or inalienable exclusive privileges, violates the law, which has determined that talents shall not be inheritable, nor merit transferable."¹

The true cause of social and economic inequality, said Taylor, is not biological inequality. Whatever results biological inequality may have, it does not inevitably operate to produce aristocracies either of birth or wealth. The real bases of aristocracy may readily be perceived; they are quite unrelated to the intrinsic merits and abilities of individuals. In every society there is a struggle for power—individual against individual, group against group—each grasping for the means of mastery in order to satisfy certain potent desires. Wealth means power; so does political authority; and each is a means to the other. Hence in every political society persons having wealth strive for control of the sovereign power in order to preserve and augment what they have; persons wanting wealth do the same in order to gain what they have not; and persons having authority but not wealth strive to use their political power for material gain. In the resulting struggle luck favors some; brutal ruthlessness is an advantage to some; shameless cunning aids some; and thoroughgoing selfishness is the talisman of success for all. Thus by exploitation added to exploitation a ruling class arises, regiments society to its own taste, and devotes its wealth and power to the perpetuation of its established system of despoiling the masses. This, declared Taylor, is the real origin of every class system, every aristocracy, in history.

The remedy? Very simple, said Taylor; complete democracy, economic and political, would do the work. "The more power is condensed, the more pernicious it becomes. . . . The more it is

¹ *Inquiry*, from excerpt in B. F. Wright, *A Source Book of American Political Theory*, (1929) p. 352.

divided, the farther it recedes from the class of evil moral beings. By a vast number of divisions, applied to that portion of power, bestowed on their governments by the people of the United States; and by retaining in their own hands a great portion unbestowed, with a power of controlling the portion given; the coalescence of political power, always fatal to civil liberty, is obstructed. Small dividends are not as liable to ambition and avarice, as great dividends. Self-interest can only be controlled by keeping out of its hands the arms with which it has universally enslaved the general interest. But it universally gets these arms by persuading mankind, that the danger is imaginary, and the remedy useless; and hierarchy, feudality, hereditary orders, mercenary armies, funding and banking, have successively inflicted upon them the expiations of an opinion so absurd.”¹

Happily for John Taylor, he did not live to see the transformation of the United States from an agrarian democracy to an industrial republic. Had the economic system of his day survived—with its abundant supply of cheap land, its subsistence farming, its handicraft system of manufactures, its simple and small-scale financial processes, and its widely dispersed rural population—his dream of social justice might have been realized. Such things were not to be, in America or elsewhere throughout the world. The economic and political developments of the ensuing century were destined to undo all that had been accomplished by the Jeffersonian movement, and, ironically, to prove to the hilt the soundness of Taylor’s insight into the underlying forces of political society. That Taylor’s diagnosis was right, modern social scientists would generally agree; that his prognosis was right is another matter. Whether democracy is suited for industrial society, is one of the great unsolved problems of political science.

It is a paradoxical turn of the tides of political warfare that has brought the party of Jefferson and Jackson to a position of agreement in many respects with John Marshall, and the party which derives from Hamilton, Marshall, Webster, and Lincoln to approval of certain fundamental doctrines of the Jeffersonian school. Writing in 1927, Vernon L. Parrington pronounced Marshall “as stalwart a reactionary as ever sat on the Supreme Court bench.”² But the Roosevelt New Dealers have found as much support in the judicial

¹ *Ibid.*, p. 353.

² *The Romantic Revolution in America* (1927), p. 23.

opinions of John Marshall as in the contemporary decisions of Chief Justice Hughes or such reputed liberals as Justices Brandeis and Cardozo. It often happens in politics that the reactionism of yesterday becomes the liberalism, even the radicalism, of to-day. John Marshall was the last of the eighteenth-century Federalists and the first of the nineteenth-century nationalists.

The best of John Marshall's political thought is incorporated in his judicial opinions. He wrote little else of importance. While Jefferson and Jackson were marching from triumph to triumph, and Taylor was their prophet, John Marshall in full lordship over the Supreme Court was handing down decisions that quietly pulled the sharpest fangs of the democratic movement. That the Constitution of the United States was an act of popular sovereignty, Marshall repeatedly affirmed in language far too sweeping for those to whom popular sovereignty meant strict construction and states' rights. In Marshall's view the Constitution was the fundamental law adopted by the whole people of the United States; not a mere covenant between certain corporate entities known as states, nor the act of the people of the several states independently. Drafted by a convention of delegates speaking for the states, it had been referred to the people for ratification; and the people, proceeding in the only manner possible, had chosen delegates to special conventions whose ratifications were intended to create, and did create, a nation. Thus the Constitution was the act of the people as a nation, and not of the people of thirteen separate nations.

By this constituent act the people of the United States, according to the Federalist view which Marshall vigorously maintained, had established not a direct democracy but a representative republic predicated upon checks and balances and constitutional guarantees designed to protect personal and property rights against invasion from any source whatever. The people had elected, in other words, to limit themselves as well as their rulers and intended those limitations to be observed and enforced by all officers of the government. Granting this premise, it followed, as Marshall cogently reasoned in his monumental opinion in *Marbury v. Madison*, that the courts had no choice but to decline to enforce a statute found to be in conflict with the Constitution. That this resulted in giving the Supreme Court the last word on all issues of constitutionality, in effect making the Court the one incontestable custodian of the

popular will, seemed to Marshall not a derogation of popular sovereignty, but a perfect fulfillment of the purpose of the people when they adopted the Constitution. Who better than the Supreme Court could dispassionately and impartially interpret and maintain the juxtaposed powers and rights which the people had decreed?

Though a property-conscious Federalist, fearful of majority rule and implacably opposed to direct election, manhood suffrage, and all the apparatus of democracy, Marshall was far from being the inflexible and "stubborn autocrat" that radical critics have so caustically denounced. No narrow-gauged reactionary could have written, as he did in *McCulloch v. Maryland* in 1819:

"The subject is the execution of those great powers on which the welfare of the nation essentially depends. It must have been the intention of those who gave these powers, to insure, as far as human prudence could insure, their beneficial execution. This could not be done by confining the choice of means to such narrow limits as not to leave it in the power of congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a constitution, intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers, would have been to change, entirely, the character of the instrument, and give it the properties of a legal code. It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can best be provided for as they occur. To have declared, that the best means shall not be used, but those alone, without which the power would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to circumstances."

A Supreme Court judge writing thus to-day would be definitely classed on the liberal side. John Marshall was a liberal, but of eighteenth-century vintage. To the end of his life he resisted the leveling force of democracy; but he believed both in liberty and popular rule. The former, especially as to property, was his supreme passion, and he was convinced that liberty would be forever insecure unless popular rule were restrained, controlled, and guided by a sovereign constitution invoking reason as the supreme and ultimate regulator of human affairs. That reason might be swayed by self-interest Marshall was too realistic not to know; but as a child of

the eighteenth century he could not fail to regard reason as the least frail of human attributes.

The political thought of John Marshall, fragmentary and unoriginal though it was, has been a tremendous factor in the evolution of the American political system. To it we owe the victory of nationalism over localism, much of the elasticity which has enabled the Constitution to survive the vicissitudes of fourteen decades, and also much of the bias toward property rights which has favored the rise of modern plutocracy.

The last, and in many ways the most superb, representative on American soil of realistic liberalism of Harrington, Locke, Hume, Burke, and Montesquieu was Daniel Webster. More famed (and defamed) as an orator, lawyer, politician, and statesman than as a political thinker, Webster would enjoy a less depreciated fame if his philosophic attainments were better remembered. He was not an original thinker, not a writer of scholarly political treatises; but he was broadly and soundly grounded in the political classics, had a clear grasp on fundamental facts and principles, and was possessed of a stately imagination and a moving eloquence both in speech and writing. With these endowments Webster became the undisputed intellectual leader of New England industrialism. In the earlier part of his career, before he was engrossed with presidential ambitions and the arid legalism of the slavery question, his speeches and writings display a philosophic texture which stamps him as one of America's foremost political thinkers.

Webster appeared on the political scene in a time of sweeping change. The New England of the small farmer, the trading village, the mercantile adventurer, and the hardy shipmaster was being rapidly supplanted by the industrial magnate, the factory town, and the urban proletariat. At the start Webster aligned himself with the older mercantile and shipping interests; but, as time made sure the dominance of industry and the interests of his constituents required protective tariffs, credit expansion, and other governmental ministrations, he abandoned his *laissez faire* principles and became a staunch defender of paternalistic benefactions for the manufacturing and financial interest. But through it all his point of view, until he was finally trapped in the treacherous bog of constitutional legalism surrounding the slavery issue, was that of economic realism. Harrington was the master thinker who lighted his footsteps. The

doctrine of economic determinism, he said in his speech on *The Basis of the Senate*, "is as old as political science itself. It may be found in Aristotle, Lord Bacon, Sir Walter Raleigh, and other writers. Harrington seems, however, to be the first writer who has illustrated and expanded the principle, and given to it the effect and prominence which justly belong to it. To this sentiment, Sir, I entirely agree. It seems to me to be plain, that, in the absence of military force, political power naturally and necessarily goes into the hands which hold property. In my judgment, therefore, a republican form of government rests, not more on political constitutions, than on those laws which regulate the descent and transmission of property."¹

In this excerpt we have the core of Webster's political thought—the one article of faith from which he never deviated. The first object of political society, he said in the same speech, was "the protection of something in which the members possess unequal shares"; hence it followed that the voice of individuals and classes in government should be proportioned to their stake in the common interest, i.e., property. Believing thus, Webster opposed the abolition of property qualifications for voting and office holding, upheld the judicial veto, distrusted unrestrained popular assemblies, and unstintingly approved the Federalist principle of checks and balances.

It is only fair to state, however, that a high concentration of the ownership or control of property was not included in the premise from which Webster reasoned. Inequality he accepted as inherent in the order of nature and the proper object of governmental solicitude and protection; but he believed none the less in the desirability of a wide distribution of property and heartily endorsed the dictum of Harrington that, if three-fourths of the property (landed property in particular) of a nation were held by the common people, the control of government could never be wrested from their hands. As a practical politician, following the dictates of expediency, he supported measures which were destined to effect the very concentration of property that his theory rejected, though vaguely persuaded all the while that he was defending the interests of property against pernicious and destructive equalitarianism. For Webster, as for his great mentors, Harrington and Montesquieu, the prime

¹ *Works*, Vol. iii, pp. 14-15.

desiderata in political society were order and stability; and, in common with these profoundly realistic teachers, he believed that these objectives were attainable neither by the concentration nor the equalization of property, but only through a politico-economic substructure broad enough to comprehend the major interests of society and balanced in such a manner as to forestall domination by any individual, group, or class—a doctrine springing not only from eighteenth-century liberalism, but from Hume, Spinoza, Bodin, Machiavelli, and Aristotle.

VI

It is no pleasure to review the political ideology of the slavery controversy. From 1830 to the end of the Reconstruction Period the foremost issues—economic, moral, political, and legal—occupying the attention of the American people were varying emanations of the slavery question. An era more sterile of distinguished political thinking has seldom occurred in the history of any people. North and South public attention was riveted on narrow points of constitutional construction or largely sentimental questions of ethics and religion. Abolitionism, restrictionism, and state sovereignty were the principal issues between the two sections, and of hundreds of combatants who joined in the furious debate on these issues the only notable political thinker was John C. Calhoun. This gaunt and hard South Carolina Puritan, whose appearance reminded the noted Mrs. Trollope of a being who had never been born and could never die, forged the political philosophy which divorced the South from the creed of agrarian democracy, sapped its loyalty to the Constitution and the Union, and sent it upon its mad career of secession and rebellion.

Beginning his political career as a liberal constructionist, a National Republican and an ally of Clay in the war measures of 1812, Calhoun remained to all appearances a thorough-going Hamiltonian until the Tariff of 1828 aroused a storm of protest in South Carolina and elsewhere in the South. This Tariff of Abominations, so dubbed by its enemies, was regarded at the South as a deliberate effort to chain the agrarian South captive to the chariot of Northern capitalism. Straining the Constitution beyond reason and ignoring the reserved and equal rights of the states, according to the Carolina view, one section of the country was striving to exploit the

other. Calhoun's destiny lay in the South, and his super-lambent mind soon shaped a philosophy to vindicate not merely his personal *volte-face* but that of his state.

Two ingeniously wrought and deeply founded credenda were the outcome of Calhoun's dialectic labors, one in defense of slavery and the other in justification of each state's right of self-determination in regard to slavery and other vital concerns. A good case had to be made for slavery; otherwise the case for states' rights, however impregnable, would simply prove the right of the individual state to perpetrate a monstrous and indefensible evil. No defense of slavery had been attempted by either the Hamiltonian or Jeffersonian schools of thought. On the contrary, it had been commonly assumed that slavery was a dying institution and would gradually disappear in the South as it had in the North. The invention of the cotton gin and power-driven textile machines had defeated this expectation. Cotton had become king in the South, and slavery, according to the Southern view, was essential to the production of cotton. The abolition of slavery would spell economic ruin for the South; would reduce it not only to penury but to abject servitude to the North. For an institution so vital to the welfare of a great section there must be a solid rational and moral foundation. Such was the feeling of millions of high-minded people in the slave states, and it was for these that the ratiocinations of John C. Calhoun became an unquestioned profession of faith.

The Greeks, including Plato and Aristotle, had found no inconsistency between slavery and democracy; and to Greek political philosophy Calhoun returned for a reconciliation of slavery with democracy in nineteenth-century America. Accepting as axiomatic truth the Aristotelian dictum that some men are by nature slaves, the hard-headed South Carolinian unreservedly extended it to include the entire African race. The Negro, according to his basic postulate, was of a servile nature, unfitted for freedom and incapable of existence in civilized society except as a bondsman. Slavery in the South had not been an evil; on the contrary, "I hold it to be a good, as it has thus far proved itself . . . and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to the facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It

came to us in a low, degraded, and savage condition, and in the course of a few generations it has grown up under the fostering care of our institutions, reviled as they have been, to its present comparatively civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all exaggerated tales to the contrary.”¹

Under the slave régime, Calhoun asserted, though the condition of the blacks had been ameliorated, that of the whites had not been corrupted. In moral virtues the people of the South were in no respect inferior to their brethren of the North. That they lived by slave labor debased them no more than living upon the profits of wage-slavery degraded the industrialists of the North. “I hold . . . that there has never yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live by the labor of the other. Broad and general as is this assertion, it is fully borne out by history. . . . The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race, is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. . . . There is and always has been in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slave-holding states has been so much more stable and quiet than that of the North.”¹

Thus portrayed, slavery was a righteous and beneficent institution, imperiled by the growing political and economic power of Northern capitalism. Concede the political and constitutional doctrines of Federalism, or even of Jeffersonian democracy, and slavery was irretrievably doomed. Inevitably the richer and more populous section would impose its system on the helpless minority. Calhoun therefore turned his attention to fundamental political theory. Upon what ground in principle and reason, he asked, were

¹ *Works* (Cralle Ed., 1853), Vol. ii, pp. 630-633.

majorities entitled to override minorities? Camouflage it as you will, he contended, every society is made up of individuals, each with his own interests and objectives. "In asserting that our individual are stronger than our social feelings, it is not intended to deny that there are instances, growing out of peculiar relations . . . or resulting from the force of education and habit over peculiar constitutions, in which the latter have overpowered the former; but these instances are few, and always regarded as something extraordinary. . . ."

"But that constitution of our nature which makes us feel more intensely what affects us directly than what affects us indirectly through others, necessarily leads to conflict between individuals. Each, in consequence, has a greater regard for his own safety or happiness, than for the safety or happiness of others; and, where these come into opposition, is ready to sacrifice the interests of others to his own. And hence, the tendency to a universal state of conflict, between individual and individual . . . and if not prevented by some controlling power, ending in a state of universal discord and confusion, destructive of the social state and the ends for which it is ordained. This controlling power, wherever vested, or by whomsoever exercised, is GOVERNMENT. . . .

"But government, though intended to protect and preserve society, has itself a strong tendency to disorder and abuse of its powers, as all experience and almost every page of history testify. The cause is to be found in the same constitution of our nature which makes government indispensable. The powers which it is necessary for government to possess, in order to repress violence and preserve order, cannot execute themselves. They must be administered by men in whom, like others, the individual are stronger than the social feelings. And hence, the powers vested in them to prevent injustice and oppression on the part of others, will, if left unguarded, be by them converted into instruments to oppress the rest of the community. That by which this is prevented, by whatever name called, is what is meant by CONSTITUTION, in its most comprehensive sense, when applied to GOVERNMENT." ¹

How, Calhoun inquires, can this tendency of government to become an instrument of oppression be counteracted? To set up a higher power to control the government is futile, and to enfeeble the government by extensive limitations on its powers is to defeat the very purposes for which it is ordained. The problem is to construct a government which through its own organic processes will be prevented from abusing its powers without being divested of the full command of the resources of the community when necessary.

¹ *Disquisition on Government*, *op. cit.*, Vol. i, pp. 3-5.

"There is but one way," he continues, "in which this can possibly be done; and that is, by such an organism as will furnish the ruled with the means of resisting successfully this tendency on the part of rulers to oppression and abuse. Power can be resisted only by power,—tendency by tendency. Those who exercise power and those subject to its exercise,—the rulers and the ruled,—stand in antagonistic relations to each other. The same constitution of our nature which leads rulers to oppress the ruled . . . will, with equal strength, lead the ruled to resist, when possessed of the means of making peaceable and effective resistance. Such an organism, then, as will furnish the means by which resistance may be systematically and peaceably made on the part of the ruled, to oppression and abuse of power on the part of the rulers, is the first and indispensable step towards *forming* a constitutional government." ¹

Upon this deep-laid foundation of political realism Calhoun proceeded to erect his remarkable doctrine of the concurrent majority. The principle of separation of powers reinforced by checks and balances, which had been incorporated in the American Constitution for the very purpose of counteracting the oppressive tendencies of government, had, he claimed, failed in practice. It was of no avail in protecting minorities when a ruling majority gained control of all three branches of government. To realize the constitutional design of the Fathers and afford truly effective protection for minorities a different conception of checks and balances must be adopted. Democracy presupposes equality, and not merely equality as between individuals but as between the various interests of the community. A government in which a numerical majority can trample down all other interests is not truly democratic. To guard against this there must be some provision "of a character calculated to prevent any one interest or combination of interests, from using the powers of government to aggrandize itself at the expense of the others. . . . There is but one certain mode in which this can be effected; and that is, by taking the sense of each interest or portion of the community, which may be unequally and injuriously affected by the action of the government, separately, through its own majority, or in some other way by which its voice may be fairly expressed; and to require the consent of each interest, either to put or keep the government in action. This too, can be accomplished only in one way,—and that is, by such an organism of the government,—and if necessary for the purpose, of the community also,—as will, by

¹ *Ibid.*, p. 8.

dividing and distributing the powers of government, give to each division or interest, through its appropriate organ, either a concurrent voice in making and executing laws, or a veto on their execution.”¹

In this concise excerpt from Calhoun's *Disquisition on Government* we have the rationale of nullification and secession. It was a marvelously ingenious and, to the Southern mind, an overwhelmingly persuasive doctrine. It proclaimed democracy as its ideal and stability and justice as its ends—not the visionary Jeffersonian democracy of equality among men, but the vital and practical democracy of equality among economic interests; not the stability and justice of consolidated authority, but the stability and justice of “live and let live” as between the different interests of society. It promised government devoted not to the interests of parts or sections of the community, but to the interests of the whole; for a concurrent majority could be obtained only to serve the interests of the whole. It promised the strongest conceivable government—backed by a concurrent majority—when the interests of the whole were at stake, and utterly emasculated government when only those of fractional elements of society were involved. It promised, in a word, a permanent solution of the age-old problem of Man versus the State.

To win freedom to apply Calhoun's political theories millions of Southern men, non-owners as well as owners of slaves, sprang to arms in the bloodiest civil war of modern times. They fought and lost, and carried with them to defeat the most rigorously logical though not the most noble, system of political ideology evolved upon the American continent during the nineteenth century.

Turning to the political thought of the anti-slavery movement we find little to admire. The North was inspired by a powerful amalgam of moral fervor and economic interest, but lacked a solid and coherent political philosophy. Only the Abolitionists were sure of their beliefs, and their certainty rested more upon ethical than purely political grounds. The outstanding political thinker of the North was Daniel Webster, and no man had a stronger antipathy to slavery; but his consuming political ambitions caused him to avoid the slavery issue as much as possible and put the case of the North on strictly legalistic grounds. Few in the North perceive

¹ *Ibid.*, p. 10.

the irreconcilability of slavery and democracy more clearly than Abraham Lincoln, but the contrast between the Lincoln of the "House Divided" speech, confident that the Union must "become all one thing, or all the other," and the Lincoln of the First Inaugural, reiterating that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists," shows how far he was from a compelling political philosophy.

Webster's *Second Reply to Hayne* is undoubtedly the most celebrated literary effort on the Northern side. It is great oratory—sublime in diction, majestic in movement, rich in imagery—but it is not great political thinking. Masterly in its emotional appeal and effect, it was in truth a very lame answer to the cold logic of Calhoun, *via* Hayne. Webster had not shaken a single one of the fundamental postulates of the concurrent majority theory. He had delivered a noble and stirring oration; glowing with patriotic fervor, deploring sectional discord, glorifying national unity under the Constitution, but failing altogether to meet and demolish the arguments of his opponents. Aware of this failure, Webster three years later, in a much less renowned speech (*The Constitution not a Compact between Sovereign States*), undertook to explode the Calhoun doctrine by sheer dialectic. Borrowing generously from Story's *Commentaries*, which had been published only a month before, he started with the proposition that sovereignty is in the people. The Constitution, he argued, was ordained and established by the people in their sovereign character—the whole people, not the people acting by states. When thus instituted, the Constitution became the supreme law of the land, obligatory upon the citizens directly and individually, and not through the mediation of sovereign states. Furthermore, the Constitution, once in effect, became an executed contract, indissoluble without the consent of all parties. Though somewhat shaky in point of historical fact and scarcely touching the issue of the tyranny of consolidated authority and majority rule, this was a good lawyer's argument and materially enhanced Webster's reputation. He was to undo it all, however, in the lamentable *Seventh of March Speech* whereby he sought to conciliate the South by upholding the constitutionality of the Fugitive Slave Law. If Webster's interpretation of the Constitution was correct, consolidated authority could be invoked against the anti-

slavery as well as the pro-slavery sections of the nation. Calhoun must be right after all. Thereafter Webster's stature as a political pundit shrank to pygmy size, North as well as South.

Abraham Lincoln cannot be ranked high as a political thinker; even among American political thinkers his position is not outstanding. All in all, however, he was the best produced on the Northern side of the slavery controversy. He compounded no system of political thought and added little to the doctrines prevalent in his day; but he was by and large the clearest, the most honest, and the most comprehendingly democratic of all Northern spokesmen. Lincoln's intellectual furniture was collected from many sources. Though for many years a zealous Whig, acknowledging the captaincy of Henry Clay and fully imbued with his leader's concepts of national paternalism, he was at the same time instinctively Jeffersonian in sympathy for the common man and faith in democratic institutions. Not a states' rights man, he was nevertheless of the frontier and shared the frontiersman's jealous attachment to local independence and self-government. Fully respecting property rights and accepting the principle of *laissez faire* as the little man's surest guarantee of material opportunity, he was not blind to the abuses of economic freedom and would not hesitate to employ the strong arm of authority to redress the balance in the interest of human rights and welfare.

Blending these divergent strains of political ideology, Lincoln emerged a liberal opportunist in political practice and a humanitarian realist in political thought. He would preserve the Union and save the Constitution at any cost; he would respect and safeguard the property rights of the slave-owner; but he would at the same time fight the extension of slavery to the last trench and utilize all the power of the national government to foster and maintain the free-soil principle in the undeveloped territories of the West. Perceiving as clearly as Calhoun the great truth that no government is fundamentally stable which does not rest on the consent of the governed, he shrank from coercion to extinguish slavery; by the same token he was fully willing to resist coercion to extend it. In government "of the people, by the people, and for the people" he had utmost faith, but that did not mean tyrannical majority rule. A government that did not adequately protect the rights of minorities was not, for Lincoln, a free government. By what manner of ra

tionalization, then, could he justify his course in opposing secession and crushing the South into submission?

It was not a complex or especially subtle bit of reasoning. Accepting Webster's "executed contract" theory, Lincoln regarded the Constitution as a compact indissoluble except by universal consent. Long before the adoption of the Constitution, he argued, the American people had entered into a "firm and perpetual" Union. It was the purpose of the Constitution to strengthen this Union and make it irrevocably binding upon the individual states. To admit the right of secession would be to reduce the Constitution to a rope of sand. Therefore it was his sacred duty as chief executive to defend the Constitution and maintain the Union. Minorities had rights, to be sure; but:

"All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate nor any document of reasonable length contain express provisions for all possible questions. Shall fugitives from labor be surrendered by National or State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

"From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. . . .

"Plainly the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does, of necessity fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form is all that is left."¹

Here was realism fully matching that of Calhoun. Secessionists could assert with much truth that Lincoln was begging the question when he declared that minority rights were fully protected by the Constitution and minimized the vital importance of issues not specifically covered by the language of the Constitution; but they could not deny that he had unerringly laid bare the weakness of their position when he pointed out that the doctrine of minority consent would impale a nation upon the horns of a dilemma in which it must choose between anarchy or despotism. That Lincoln was infallibly right, the difficulties of the Confederate states during the rebellion fully demonstrated.

From the end of the Civil War to the eve of the twentieth century American political thought was chiefly occupied in restating the problem of sovereignty and rehashing the constitutional issues of the war. Nothing in that sterile era is of sufficient importance to require attention in this brief review.

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¹ "First Inaugural Address" in *American Orations* (4 vols., 1897), Vol. iv, pp. 16 ff.

CHAPTER XXI
A CENTURY OF CHANGE

I

IN thought and mode of life the inhabitants of Western Europe and North America in the closing years of the nineteenth century had less in common with their eighteenth-century forebears than the latter had with the ancient Greeks and Romans. Never in the whole span of civilization had any epoch witnessed such a complete transmutation of all the factors conditioning human life as occurred in the nineteenth century, especially in the last fifty years of that century. In two generations men were wrenched loose from norms of thought and behavior of more than two thousand years' duration and flung headlong into a boiling chaos of innovation and reconstruction. So swiftly did the wheel of change spin around that thousands of elderly persons surviving in the early twentieth century could remember a civilization almost as devoid of mechanization as that which had adorned the banks of the Nile five thousand years before.

The nineteenth is beyond all comparison the most bewildering century of human experience. Ushered in by the French Revolution, it beheld the sweep of insurrection across the whole face of Europe and to the utmost corners of the Americas; saw nascent democracy smothered under black tides of reaction and later triumphantly revived on new waves of revolution; beheld the new-shaping of the map of Europe by the conquering hand of Napoleon, the fatal restoration attempted by Metternich, and the subsequent rise of virulent national rivalries compensated by the balance-of-power system. Along with these ever-changing and ever-accelerated cycles of political variation the nineteenth century experienced the first phases of the anguishing process of trial and error in the making of constitutions and the adjustment of political institutions to which the world was forced by the needs of a gyrating social system.

In economic history the nineteenth is put down as the century of the Industrial Revolution. Previous centuries had known much of economic change, even of rapid economic change; and the latter years of the eighteenth century had witnessed the beginnings of

industrialization through the introduction of machinery. Suddenly, however, in the nineteenth century a series of prodigious inventions completely undermined the ancient handicraft system and the traditional agrarian economy, revolutionized the relation of employer and employee, created new and fabulous forms of wealth and property, opened world markets to the products of local industry, evoked new forms of business organization and procedure, produced entirely new methods of finance, and forever ended the reign of the old doctrines of political economy. Mechanization, capitalism, and gigantism, the three furies of the Industrial Revolution, violently recast the entire structure of economic society.

Pursuant to the economic revolution of the nineteenth century, there occurred the most stupendous multiplication and shifting of population in the history of mankind. Between 1800 and 1900 the population of Europe increased from 187,693,000 to 400,577,000; that of the United States from 6,000,000 to 76,938,000. The great bulk of this phenomenal increase took place in cities. At the opening of the century less than 30% of the population of England and Wales was concentrated in cities; by the close of the century the proportion of urban dwellers had risen to 70%. In the United States the proportion of urban population grew from less than 4% in 1800 to 40% in 1900. Even where there was but a slight increment in the total population there was a striking drift to the cities. In France, for example, where there was but a 3% gain in total population between 1850 and 1900, there was a 25% gain in urbanization. There had been no such movement of population since civilization began. Old mediaeval towns suddenly overflowed their walls and burgeoned into teeming metropolitan centers; factory towns sprang up at every convenient mill site and shipping point; ancient country villages quickly grew into booming centers of trade and industry or were abandoned to picturesque decay in the rush of population to throbbing areas of urban life; cities multiplied so enormously that in many sections the open countryside of former times entirely disappeared and there was left in its place a sprawling network of contiguous urban communities.

Marching in step with the new economic order were progressive improvements in modes of transportation and communication and in the material conveniences of urban life, which greatly accelerated the concentration of population in cities. With the perfection of the

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railroad, the steamship, the telegraph, the telephone, the motor car, illuminating gas, the electric light, central heating, and secure systems of water supply, all physical limits to city growth were removed and the attractions of city life decidedly increased. And concurrently with these developments came the extensive substitution of mechanical for manual labor in agriculture, which released multitudes of farm boys and girls from bondage to the soil and sent them headlong to the cities in quest of economic opportunity.

Profound changes in the social as well as the economic texture of life were bound to result. Congestion of population in urban centers created new and unforeseen ingredients not only the processes by which men produced and exchanged goods but in all the processes by which they lived. There were new problems of health and sanitation, new problems of family life, new problems of sex, new problems of religion, new problems of education, new problems in virtually every phase of existence. For countless millions of people the folkways and mores by which social life had been adjusted for generations past were instantly swept away, and they had to build new moorings and new guides in a wholly new complex of social facts and forces.

Nor was it mechanical invention and other forms of applied science which alone upset the equilibrium of the western world in the nineteenth century. In the purely academic sciences, especially those having to do with cosmic philosophies, the nineteenth century saw eternal verities melt away like soft metal under the irresistible heat of an acetylene flame. Darwin published the *Origin of Species* in 1859, forcing the utter abandonment of long-cherished beliefs as to the position of man in the kingdom of living things. Before the end of the century biology, astronomy, geology, paleontology, anthropology, ethnology, and archaeology had not only confirmed the Darwinian hypothesis, but had revealed for the first time the appalling complexity of the growth-processes of living organisms and institutions. The simple assumptions on which men had always been able to found their thinking about human affairs were no longer tenable; were, in fact, palpably absurd.

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and factories, and at the same time created instruments of destruction such as men had never wielded before; steam and electricity annihilated space and endowed men with mechanical power beyond the wildest dreams of ancient romancers; engineering spanned rivers, tunneled mountains, harnessed waterfalls, scooped out great canals for shipping and irrigation, and built towering skyscrapers to house the teeming multitudes of the cities. How should men employ these new-found faculties? This was a more racking problem than how to forswear the past.

What to do politically with the new powers which science had evoked, was made of more vital consequence by the sharp intensification of nationalism which came along with the Industrial Revolution. National sentiment and solidarity had been definitely on the make for several centuries. Contributing to this result were such factors as dynastic rivalries, territorial ambitions, native pride, loyalty to the homeland, linguistic and cultural affinities, and religious bigotry. The powerful surge of popular feeling incident to the French Revolution and the tremendous emotions engendered by the Napoleonic wars whipped the flame of national spirit to still higher temperatures. Then came the Industrial Revolution and with it incomparably enlarged possibilities of economic nationalism. Economic protection and economic advantage had been motivating ingredients of nationalism under the old industrial order, but had never attained the gigantic power which the Industrial Revolution imparted to them. In the new order of things the national state became an aggressive economic entity, bent on the conquest of resources and markets to feed and sustain its insatiable capitalistic growth. Peoples developed a new national consciousness—a prepotent conviction of the urgency of economic self-sufficiency and the necessity of economic aggrandizement. The new technology and the new capitalism provided means to these ends, means far mightier than any which had ever before been subjected to the human will. Should these prodigious jinns be evoked and used to the utmost in the attainment of national economic objectives? How far were they forces of good and how far forces of evil? These were questions which profoundly troubled thoughtful nineteenth-century minds.

In former centuries, when tremendous decisions had to be made, there had always been the authority of religion to fall back upon.

Although there had been a flood of skepticism in intellectual circles during the eighteenth century, the authority of religion among the masses had been little disturbed. In the nineteenth century, however, the social power of the church began to languish; as a ruling institution, it gave ground with every succeeding year of the industrial era. The Roman Catholic Church, in some countries, resisted the secular trend more successfully than the Protestant denominations; but by the end of the century its power of control over the lives and affairs of its adherents was conspicuously less than in former centuries. Science shook religious faith to its foundations; and although the great mass of men did not turn atheist or agnostic, they became increasingly indifferent to religion and disregarding of ecclesiastical authority. The fervid and intolerant allegiance once given to the church was largely transferred to the state. Pietism declined and patriotism grew large.

Another factor of change which contributed much to the confusions of the nineteenth century was the rise of free public education. By 1850 free elementary education had been provided in the United States and all but one or two of the major countries of Europe. By 1900 elementary education was not only free but compulsory in every progressive country in the world, and extensive provision had been made for free secondary and higher education. For the first time in history the great submerged masses were sent to school. Illiteracy became a disgrace, and education became increasingly essential in every line of occupation. What the masses learned at school (or what they failed to learn) we need not pause to discuss. They learned at least to read, and thus to know many oracles instead of only one or two. And the multitude of oracles who spoke from the printed page proclaimed an astounding diversity of truths, half-truths, and untruths. Wherefore it resulted that the literate masses of the late nineteenth century, though vastly better informed, were, if anything, less certain in their judgments and less confident in their convictions than their illiterate forebears of the year 1800.

These nineteenth-century phenomena had their beginnings in western Europe and the United States, but before the century closed they were on their way to world-wide prevalence. By 1900 the modernization of Japan had been completed, and that of China was well under way. Africa had been marked for Europeanization and

before the turn of the century, and British exploitation of India had developed into a program of modernization as well. Latin America was gradually swinging into line, and Russia and the Balkan and Near Eastern regions, though resisting innovation, were upon the eve of great transformations. It was indeed a new world which raucously greeted the year 1900, but not a brave one. It was too bewildered by its modernity to be wholly confident of its destiny.

II

The political thought of the nineteenth century was as jumbled as its material and intellectual progress. Unlike the political thought of previous centuries it was not characterized by a few dominant ideas, but was, on the contrary, a veritable Babel of promiscuous and largely unrelated concepts and doctrines. Even to attempt to present its main features in summary form is to invite, quite justly, the charge of oversimplification. Yet the attempt must be made, for there is no other way to convey to the unspecialized mind an adequate appreciation of its chaotic complexity.

There was inevitably, in the early part of the nineteenth century especially, a large carry-over of eighteenth-century political thought. Both the idealism and the realism of the eighteenth century found expression in the continuing alternation of radical and reactionary movements which disturbed the first half of the nineteenth century. In connection with these recurrent waves of revolution and restoration all of the eighteenth-century doctrines of democracy and absolutism were passionately restated and in some instances greatly amplified and strengthened. The philosophy of constitutionalism was perhaps the most notable product of this phase of nineteenth-century thought.

In revolt against the visionary impracticability of eighteenth-century idealism, but in deep sympathy with its objectives, was the philosophy of utilitarianism, which enlisted among its professors some of the greatest minds of the nineteenth century and could number in its achievements some of the grandest reforms in the history of mankind. Seeking to predicate just and righteous political authority not upon reason or right in the abstract but upon its actual benefit to the governed, the philosophy of utilitarianism laid the foundations for a pragmatic approach to public affairs which was to color the thought and actions of conservative as well as radi-

cal political leaders all through the nineteenth century. It was the mother of many fantastic experiments and also of many solid achievements.

The Industrial Revolution gave a tremendous push to the eighteenth-century doctrine of *laissez faire*. With the collapse of the relatively static economic order of the past came a dazzling multitude of new opportunities for wealth and a powerful incentive to individual initiative. Free enterprise became the sacred talisman of the new capitalism. State interference with or regulation of private business was decried and denounced not only as an invasion of individual liberty, but a violation of the most fundamental law of nature. A rabid school of radical political and economic writers arose to defend and propagate this philosophy of rugged individualism, and their influence was enormous. With the growth of huge corporate units and the increasing submergence of the individual *entrepreneur*, the doctrine of *laissez faire* lost its attraction for the Little Man, ceased to be a philosophy of democracy and revolt, and became the battle-cry of Big Business. As such it has come down to the twentieth century.

The brutal degradation of the working classes, consequent upon the ruthless competition of free enterprise, produced a sharp reaction; and the nineteenth century saw a vigorous revival of utopian socialism, which had scarcely raised its voice since the time of Sir Thomas More. What the nineteenth century saw was in fact much more than a revival. Nineteenth-century utopians refused to be content with romantic dreams; with characteristic nineteenth-century *élan*, they undertook to transform dreams into realities and establish ideal commonwealths among living men in their own time. Utopian movements and experiments were launched in wild profusion; and in the western hemisphere, where there was an abundance of unoccupied land, dozens of communistic communities were established and failed.

Possibly by reason of the velocity with which old things were passing away, men began to have in the nineteenth century a sharper consciousness of the past and a clearer perception of its significance in the shaping of social institutions. This led to the rise of a vigorous school of political thought which definitely rejected all utopias, all reforms, all ideals, and maintained that the only valid approach to the problem of government was through the Baedeker of history. The

state, the members of this historical school insisted, was not an artificial thing, but the product of long ages of adjustment and readjustment. Through the mystic chemistry of history certain forms and processes, certain complex institutional arrangements, had become specially adapted to the genius of particular peoples. To lay the bungling hand of theoretical reform upon these delicate structures was to invite disaster. This was not a new view. It had been the view of Burke and Montesquieu in the eighteenth century; Bodin had emphasized the importance of historical development in the sixteenth century; and numerous other writers, beginning as far back as Polybius and Aristotle, had given great weight to historical considerations. Not until the nineteenth century, however, did the historical view emerge as the cult of a widely dispersed and militantly aggressive group of thinkers.

Using the historical method and closely akin to the historical school, were the analytical jurists of the nineteenth century, who gave a new turn to the study of law and legal institutions. Fusing historical analysis and comparative jurisprudence, these scholars produced a body of knowledge which demolished the concept of natural law as the quintessence of right reason and overturned many other long-accepted rationalizations as to the authority and justification of law.

The impact of the Darwinian theory of evolution was quickly felt in the field of political thought. The historical school had fully prepared the soil to receive the evolutionary concept of political origins and developments, and when the Darwinian biology burst upon the world in 1859 its implications were promptly transferred to the realm of political science. For many centuries political thinkers of various classifications and for widely different purposes had likened the state to living organisms, particularly the human body. Until the arrival of the Darwinian biology, however, these analogies were so largely fantastic and unreal as to have little consequence in a practical way. Darwinism changed all this. It not only supported the organismic idea, but definitely suggested the processes by which the evolution of organic political structure might have come about. The result was an immediate proliferation of organismic theories and philosophies which, true or false, displaced entirely, in minds susceptible to the appeal of the new scientific approach, all of the older doctrines of state genesis and in

trinsicality. Whether the state was viewed as a biological organism, a psychological organism, a sociological organism, or an economic organism, made no difference so far as large results were concerned. In any aspect it was an organism functioning according to laws of its own being. The acceptance of this concept meant that all former generalizations must be discarded and specific principles apropos of the organic being of the state discovered.

Most disrupting of all nineteenth-century political ideas was the scientific socialism of Marx and Engels. Dismissing with disgust the futile idealism of the utopian socialists, Marx and company set out to build a socialist theory upon irrefutable postulates of science. Fully accepting the implications of the Darwinian theory in the social sphere, equally convinced of the truth of the Aristotelian doctrine of economic determinism, and profoundly swayed by earlier contacts with German scholars of the historical school, Marx compounded all of these elements into a materialistic interpretation of societal evolution with emphasis upon class distinctions and class struggles. Viewing the capitalist system as the outcome of the operation of definite laws of economic evolution, he proceeded, with acute insight into economic reality, to expound the theory that under known economic laws the forces engendered by capitalism itself would terminate in class war in which the possessing classes would be overthrown and the workers, through the instrumentality of a socialized state, would take over and administer all of the means of production and distribution. This, as we have said, was the most upsetting political philosophy of the nineteenth century. For the first time proletarianism was given an economic and political gospel bottomed upon stubborn realism rather than vague idealism, for the first time socialism was given an impressive scientific exposition; for the first time revolution was given a program of definite political and economic pattern. The effects of Marxism were not to be fully felt in the nineteenth century, but its challenge was recognized and its corrosive work had begun long before the nineteenth century ended.

The nineteenth century witnessed the coming of age of the doctrine of sovereignty which Bodin had advanced back in the sixteenth century. Throughout the seventeenth and eighteenth centuries there had been a marked growth of the spirit of nationalism, and powerful national states had taken form in England, France,

The Netherlands, and transiently in Spain. The most of Europe and America, however, remained to be nationalized. The great outburst of popular feeling excited by the French Revolution set the stone of nationalism rolling down hill. This was followed by the destruction of the Holy Roman Empire by Napoleon, his almost successful effort to found another universal empire, and a wave of reaction against alien rule which stimulated coherent populations everywhere to demand and seek political unity and independence. As a result the nineteenth century beheld a long succession of wars of liberation and consolidation out of which there flowered a full-fledged philosophy of national sovereignty. This was destined to prove a source of ceaseless conflict and confusion, and to engender, in quest of order and stability, potent, but rival, philosophies of imperialism and internationalism.

Lastly we should note the beginnings, in the final decades of the nineteenth century, of an embryonic science of politics. Really scientific analysis of political phenomena could not occur until the study of human life in all its phases had progressed far enough to produce an abundant quantity of factual material with which the political scientist might work. Towards the close of the nineteenth century biology, anthropology, paleontology, ethnology, archaeology, and sociology had so far performed this service as to make possible the formulation of tentative political generalizations of a genuinely scientific character. As this process went on a significant cleavage appeared in the ranks of political thinkers. The truly objective and dispassionate political thinker, bent solely upon scientific discovery, had to be technically trained for his task and could rarely find opportunity for the necessary special education and for the fruitful prosecution of his labors in any environment but that of the university. Scientific political thought, therefore, went academic and retired to the seclusion of the library and seminar. Unscientific thinkers, whose endeavors were usually devoted to the advocacy of a cause, having neither the qualifications nor the inclination for scientific study and being concerned with conclusion rather than underlying truth, gained a clear field in the realm of political action and became the revered prophets of sadly muddled multitudes. Scientific political scholars in the quiet of their book-lined cells uncovered truths of tremendous importance to the worldaday world, but these were largely ignored outside of collegia

circles and were left to filter down to succeeding generations through the slow process of class-room instruction. The dynamic philosophies of practical politics continued, far into the twentieth century, to be the threadbare and scientifically discredited dogmas of the Victorian Era and before.

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CHAPTER XXII
THE UTILITARIANS

I

THE nineteenth century had no Spinoza and no Hume, nor any avowed disciples, in the field of political thought, of these two master realists. But it had Bentham and the English Utilitarians, whose doctrines reflected in many ways the viewpoints of seventeenth- and eighteenth-century realism. The utilitarian philosophy is often described as a nineteenth-century revival of the classical hedonism of Epicurus, which in truth it was; but it was a fruition also of the critical realism of such scholars as Spinoza and Hume in the two preceding centuries.

The Benthamite cult was a revolt against the vapory idealism of eighteenth-century rationalism. For an absolute idealism it sought to substitute an absolute empiricism. Its leading expounders were individualists who, convinced of the utter sterility of such concepts as absolute rights, absolute sovereignty, and absolute justice, had come to believe that in human affairs there was but one possible absolute, namely, absolute expediency. Political institutions and public policies were not to be rated as good or bad relative to some visionary, and always arbitrary, conjecture of human rights and obligations, but as more or less beneficial according to some fixed standard of utility in human affairs. By their fruits, not by their ideality, should they be judged. Did one ask what fruits should be approved, or by what standards of evaluation the many fruits political authority should be appraised? The answer, as would be expected of individualists, was that the satisfactions of the individual should furnish the yardstick of utility, and that for the whole of society the controlling principle should be "the greatest happiness of the greatest number."

England was made receptive to utilitarianism by the Industrial Revolution. The rising magnates of shop and factory could but resent the prescriptive rights of the ancient aristocracy, and continued to support the old order only because their fear of equalitarian democracy exceeded their dislike of the feudal birthrights of the nobility. The principle of utility offered them a splendid weapon

of attack and also of defense. It made practical achievement the decisive test of rightful authority, and who could point to greater achievements than the barons of business? True, it insisted that practical achievement should redound to "the greatest happiness of the greatest number"; but on that score the overlords of industry had everything to gain by comparison with the feudal gentry, and democracy as yet had few constructive achievements of which it might boast. Democracy, in fact, was still befuddled with metaphysical hocus-pocus about the Rights of Man.

The utilitarian group of theorists was never large, but it cut an imposing figure in the political thought of the early and middle portions of the nineteenth century. Jeremy Bentham, the founder, with John Austin and John Stuart Mill, his most potent disciples, were its major prophets. Mill always insisted that the Utilitarians did not constitute an esoteric school of political thought, but there was none the less a unity in their thinking and a systematic cohesion in their principles which betokened a marked community of belief. In rarefied intellectual circles they gained few adherents, but they sowed in the minds of statesmen and reformers ideas of incalculable influence in shaping the courses of political action.

II

Jeremy Bentham is one of the oddest figures in the history of political thought, and one of the most important. As grotesquely eccentric in appearance and character as a comic-supplement professor, and in some ways equally outlandish in thought, he was an easy target of ridicule for practical-minded men. Yet he was, in his own esteem and in the opinion of his disciples, the foremost apostle of the practical, and his ideas ultimately came to have much the same sweeping influence in the sphere of practical government as those of Adam Smith in the field of economics. He was a professional reformer whose reforms were almost invariably ahead of his time; a source of ideas to be harvested by later generations. He lived most of his life and did his most important intellectual work in the eighteenth century, but his fame and influence were delayed until his old age in the first quarter of the nineteenth century.

Bentham was born in London in 1748, and fortunately to a family of sufficient wealth to assure him of economic independence for life. His parents were educated people and soon perceived in

their child the makings of an intellectual prodigy. Accordingly he was encouraged to early pupilage and was given ample assistance in the way of books and tutors. At the age of three he began the study of Latin and read such difficult treatises as Rapin's *History of England*. When he was four he was taught French and took up the study of the violin. At thirteen he was ready for college and matriculated at Queen's College, Oxford, from which he was graduated in 1763, at the age of fifteen. His father and grandfather had been successful lawyers and the young graduate was destined for the same profession. He entered Lincoln's Inn and in due time was called to the bar.

But during his apprenticeship young Bentham had lost interest in the practice of law. Going down to Oxford to listen to Blackstone's lectures and hearing many of the brilliant judgments of Lord Mansfield delivered from the bench, he had acquired a pronounced taste for jurisprudence and legal philosophy and this was strengthened by a newly awakened interest in natural science. Instead of seizing the opportunity to make an auspicious beginning at the bar, he whiled away his time with chemical experiments and dreams of legal reform, and finally decided that the profession of law was not for him at all. His father, though deeply disappointed, was wise enough to let him follow his bent for scientific and philosophical studies.

Bentham first gained public attention in 1776 by the publication of an essay entitled *Fragment on Government*. This brilliant and slashing attack upon Blackstone's paeans of praise for the British constitution was at first published anonymously. Guessers attributed it to Lord Mansfield, Lord Camden, Lord Ashburton, and other bigwigs of the day. Bentham's father was so proud that he revealed the identity of the author and had the pleasure of seeing his son acclaimed one of the most acute political essayists of the time. Lord Shelburne, one of the outstanding and powerful figures in the politics of the country, was so impressed by Bentham's *Fragment on Government* that he made a protégé of its author and frequently entertained him as a guest and presented him to the best circles of society. In this essay, though it was mainly devoted to destructive criticism of Blackstone, Bentham definitely set forth the "greatest happiness" principle which was to become pivot of his mature philosophy.

In 1785 Bentham made a leisurely tour of Europe which took

him to every country of importance, including Russia. He returned to England in 1788 hoping to win a seat in Parliament, but was disappointed in this ambition and apparently concluded that political success was not in his line. He was tremendously fascinated, however, by the problems of legislation and compensated his failure in politics with the dream of becoming a super-lawgiver, after the pattern of Solon and Lycurgus. In 1789 he published the *Principles of Morals and Legislation*, a treatise upon which he had been working for many years. It was his greatest achievement and quickly brought him world-wide fame. His grandiose dream seemed almost on the verge of realization, for he was everywhere regarded as a man of superlative wisdom and was consulted by rulers and statesmen in many countries.

When the French Revolution crashed upon the world, Bentham at once got into touch with the revolutionary leaders in the hope of guiding the revolutionary reforms in conformity with utilitarian principles. In this he was doomed to disappointment. He was honored in France, was made a French citizen in 1792, and wrote a number of speeches for Mirabeau; but the Revolution wanted none of his principles. Undiscouraged, he sought elsewhere the opportunity to realize his supreme ambition of drafting a comprehensive and scientific code of laws for some existing state. To promote this project he engaged in extensive correspondence with rulers and statesmen all over the world. In 1817 he addressed a proposal to the people of the United States, inviting them to partake of the benefits his system of codification would confer. In 1822 he made an appeal to all peoples of liberal opinions to draw up a clear and all-comprehensive body of law.

Next only to Bentham's interest in legislation was his concern with criminal justice and prison reform. That his labors did much to inspire the great wave of moderation in the treatment of criminal offenders which swept over the world in the nineteenth century cannot be denied. His hand was in every sort of reform and innovation. He was a partner of Robert Owen in the model factory village of New Lanark; he advanced plans for constructing the Suez and Panama canals; he pushed through Parliament a project for a unique prison, the "Panopticon," which was designed to facilitate the observation and control of convicts; he founded, in 1823, the illustrious *Westminster Review*.

Bentham's fame could rest secure on the two books mentioned above, but he was a prolific writer and his published works number many volumes. He also left a great mass of unpublished manuscript, much of which has not yet found its way into print. The last fifty of his eighty-five years were devoted almost wholly to the production of copy for the printer. With a large staff of secretaries and research assistants about him, he combed the world for knowledge in the fields of his special interest and heroically strove to bring order out of the profusely variegated grist which came to his mill. He died in 1832—leaving his body to science, with instructions that it be dissected in the presence of his friends. The skeleton is still in the possession of the University College, London.

III

Bentham's "felicific calculus," as several commentators have whimsically dubbed it, appeared in his earliest writings and persisted through the last of his political works. It was the grand idea upon which his whole system of political thought was erected. Rejecting as he did the whole ideology of natural rights and social contract, yet holding as firmly to the dogma of Sovereign Reason as any child of the Enlightenment, he had to find a formula for the application of reason to human affairs that would dodge the pitfalls of metaphysical abstraction and yet provide an objectively satisfactory rule of determination. Spinoza and Hume undoubtedly gave him the leading clues; Priestley's *Essay on Government* suggested the "pain" and "pleasure" criterion; and Hutcheson's *Moral Philosophy* furnished the phrase ("the greatest happiness of the greatest number") which arrested public attention. Bentham added the concept of utility as a mathematical computation of satisfactions worked out by balancing pains against pleasures and supplied the ideology by which this was expanded into a system of political thought.

Though he repudiated the Rights of Man and had no faith in the goodness of human nature, Bentham was no whit less an individualist than Paine, Rousseau, or Locke. "The community," he said, "is a fictitious *body*, composed of the individual persons who are considered as constituting as it were its *members*. The interest of the community then is, what?—the sum of the interests of the several members who compose it. It is vain to talk of the interest of

the community, without understanding what is the interest of the individual. A thing is said to promote the interest, or to be *for* the interest, of an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains.”¹

The great problem of politics, as he posed it, was to discover a principle by which government could be so conducted as to augment the happiness of all individuals, or, if that was not feasible, of the greatest possible number. Such, he had no doubt, would be the certain result of the principle of utility. It could not be otherwise, because the principle of utility recognized the all-controlling truth that

“Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will but serve to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while.”²

Thus taking it to be an incontrovertible fact of human psychology that whatever men think they think or feel, they are actually swayed by stimuli growing out of pain or pleasure, Bentham propounded the principle of utility as follows:

“By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.”³

With this principle as a lodestar, the legislator (both in the particular and the general sense of the term) had but to calculate the pleasurable or painful consequences of an action, actual or proposed, and he would know whether it was right or wrong, sound or unsound. Guesswork would be unnecessary, according to Bentham for both pleasure and pain were believed to have dimensions

¹ *Principles of Morals and Legislation* (Frowde Ed., 1879), p. 1.

² *Ibid.*, p. 2.

³ *Ibid.*, p. 3.

characteristics which could be mathematically measured. Thus it would be possible to give a definite mathematical value to any pain or pleasure considered by itself, considered in relation to a single individual, or considered in relation to a group of persons. The factors to be measured in evaluating pains and pleasures by themselves or in relation to single individuals were intensity, duration, certainty or uncertainty, propinquity or remoteness, fecundity ("the chance it has of being followed by sensations of the *same* kind"), and purity ("the chance it has of *not* being followed by sensations of the *opposite* kind"). To these, when a number of persons would be affected, should be added the factor of extent ("the number of persons to whom it *extends*").

The task of the lawgiver was simply to

"Sum up all the values of all the pleasures on the one side, and those of all the pains on the other. The balance, if it be on the side of pleasure, will give the *good* tendency of the act upon the whole, with respect to the interests of that *individual* person; if on the side of pain, the *bad* tendency of it upon the whole.

"Take an account of the number of persons whose interests appear to be concerned; and repeat the above process with respect to each. *Sum up* the numbers expressive of the degrees of *good* tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is *good* upon the whole: do this again with respect to each individual, in regard to whom the tendency of it is *bad* upon the whole. Take the *balance*; which, if on the side of *pleasure*, will give the general *good tendency* of the act, with respect to the total number or community of individuals concerned; if on the side of pain, the general *evil tendency*, with respect to the same community.

"It is not to be expected that this process should be strictly pursued previously to every moral judgment, or to every legislative or judicial operation. It may, however, be always kept in view: and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one."¹

To convince the reader that accuracy and objectivity were truly possible in such a calculation of tendencies rooted in pain and pleasure, Bentham proceeded to enumerate and analyze the principal pains and pleasures of mankind and then to give advice as to how they might be evaluated. They were of two kinds, he said—simple and complex. The simple ones were those which could not be resolved into others, and the complex ones were those which could

¹ *Ibid.*, p. 31.

be resolved into various simple ones. Simple pleasures included the pleasures of sense, wealth, skill, amity, good name, power, piety, benevolence, malevolence, memory, imagination, expectation, association, and relief. Simple pains included the pains of privation, sense, awkwardness, enmity, ill repute, benevolence, malevolence, memory, imagination, expectation, and association. All of the complex pains and pleasures were compounds of the foregoing.

All pains and pleasures, explained Bentham, are effects produced in men's minds by certain exciting causes. Individuals, he pointed out, differ greatly in their sensitivity to various causes of pain and pleasure. Hence it was apparent that the quantity of pain or pleasure experienced by any individual or group of individuals would vary according to the factors determining sensitivity. These factors, which should be taken into account in every computation of pains and pleasures, he enumerated thus: health, strength, hardiness, bodily imperfection, quantity and quality of knowledge, strength of intellectual powers, firmness of mind, steadiness of mind, bent of inclination, moral sensibility, moral biases, religious sensibility, religious biases, sympathetic sensibility, sympathetic biases, antipathetic sensibility, antipathetic biases, insanity, habitual occupations, pecuniary circumstances, connections in the way of sympathy, connections in the way of antipathy, radical frame of body, radical frame of mind, sex, age, rank, education, climate, lineage, government, and religious profession.

"The business of government," Bentham affirmed, "is to promote the happiness of the society, by punishing and rewarding."¹ It had no other justification for existence. The selection of rewards and punishments, particularly the latter, must therefore be regarded as the crucial test of good government. For when a government employs ineffectual means of promoting the happiness of society it nullifies its very title to authority. Every just government, Bentham accordingly would have said, had he been writing the American Declaration of Independence, derives its authority, not from the consent of the governed, but from the utility of its acts in promoting the happiness of its subjects.

This might have been just as explosive a doctrine as the dogma of inalienable natural rights, but in Bentham's hands it was not. Bentham probably would have agreed that general unhappiness

¹ *Ibid.*, p. 70.

was a good ground for revolution, but he would have insisted upon a utilitarian definition of happiness and unhappiness. Discontent and unhappiness were not synonyms in his vocabulary. There was no more merciless critic in England of the fallacies of our Declaration of Independence than Jeremy Bentham, nor of the later doctrinaires of the French Revolution. From the utilitarian standpoint one did not arrive at a valid balance of pain over pleasure, or *vice versa*, by following momentary outbursts of sentiment or sweeping gusts of public opinion. Quite the contrary. The correct "utility" of any political system or of any law or other public measure could be determined only by a scientific process of evaluation in which all of the factors entering into the situation were duly weighed and correlated. In such a computation, factors of sensitivity would be important considerations in the weighting of pains and pleasures, and might result in conclusions very different from what would appear on the surface.

As a matter of fact Bentham was not greatly concerned about systems of government as such. He could believe that a representative democracy would be most likely in the long run to secure the greatest happiness of the greatest number and at the same time agree that any other system, under the particular circumstances of a given time, might be equally conducive to that result. His design for Utopia was not a system of state organization but a comprehensive code of laws based on the principle of utility. Kings and lords, he thought at first, might be just as readily converted to such a program as the common masses. The ruling classes did not, however, fall into line as willingly as he had hoped, and Bentham ultimately came to believe that none but a democratic constitution could insure the realization of the utilitarian program.

This conclusion, like most others, he reached by the pathway of utilitarian dialectic. The central problem in framing a constitution was, he thought, the bestowal and control of power. Rulers should be granted power to do good and deprived of power to do evil. In seeking this end, three vital factors in the nature of power should be taken into account—extension (the number and significance of the persons and things over which the power is to extend), duration (the time during which the power is to be exercised), and intensity (the means by which the power is to be effectuated). In order to insure the maximum of happiness and the minimum of

unhappiness to subjects, power should be restricted as much as practicable in all three of these manifestations. Obviously a democratic constitution would meet this requirement better than any other.

Bentham was most fertile and most constructive in his criticisms of existing laws, especially criminal laws, and in his suggestions for reforms to rationalize and humanize the legal system. He was one of the first, and certainly one of the most convincing, students of jurisprudence to enlarge and drive home the view that law is not a system of eternal and infallible absolutes, but a man-made institution which should be intelligently adapted to varying needs and circumstances. "All punishment in itself," wrote Bentham, "is evil. Upon the principle of utility, if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil."¹

If the prevention of a greater evil was the only rational justification for punishment, it was perfectly plain that in many cases it should not be inflicted at all. It should never be inflicted, Bentham said, where it was "groundless," i.e., where there was no evil for it to prevent; where it was "needless," i.e., where the evil might cease or be prevented without it; where it was "inefficacious," i.e., where it could not be employed so as to prevent the evil; and where it was "unprofitable," i.e., where it would produce evil greater than the evil prevented. Applying these tests to the penal legislation of the time, Bentham showed how grossly wide of the mark it was. Even in cases where, under the principle of utility, punishment would be clearly justifiable, there was in current practice no rational proportion between the punishment and the offense. In fact, in a large number of instances it was apparent that the punishment was retaliatory or revengeful rather than preventive or corrective. The legislator guided by utilitarian principles would follow certain purely objective canons of proportion between each offense and the punishment thereof.

Bentham had a definite body of rules to suggest for this purpose, and they were exceedingly keen in their perception of penological values. In the first place, regardless of benevolent considerations, the punishment should never in any case be less than sufficient to outweigh the incentive for the offense. The Golden Rule, from the

¹ *Ibid.*, p. 170.

utilitarian standpoint, was no better rule in penology than the Old Testament rule of eye for eye and tooth for tooth. It was just as likely to be out of proportion on the benevolent side as the other was on the malevolent side. Scientific penology (and that is what Bentham thought utilitarian penology to be) should aim to adjust the punishment to the offense in such a way as to restrain the offender from committing it, or at least from repeating it. This was not to be accomplished by applying the same general rule to all committing the same offense. Individual offenders varied so greatly, said Bentham, even though perpetrating the same crime, that the adjustment should be made in each case separately. In doing this attention should be given both to the quantity and the quality of the punishment. The quality should be calculated to meet the requirements of the individual case both as to prevention and correction, and the quantity should be varied according to the circumstances.

In fixing the proportion between the punishment and the offense, Bentham explained, careful attention should be given to certain governing principles. First, the quantity of the punishment should be variable according to every possible variation in the profit or mischief of the offense. Second, the punishment should be equable, producing neither needless nor inefficacious pain. Third, the punishment should always be commensurate with other punishments in like or similar cases. Fourth, the punishment should be "characteristic" of the offense, i.e., it should be associated as closely as possible with the ideas entering into the offense. Fifth, the punishment should be exemplary, meaning that it should be of such nature and should be administered in such a way as to be a lesson to the offender and others. Sixth, the punishment should be "frugal" of pain not inflicting more than necessary to teach the desired lesson and discourage the repetition of the offense. Seventh, the punishment should always be subservient to reformation. Eighth, as far as consistent with the foregoing rules, the punishment should disable the offender with respect to future mischiefs. Ninth, the punishment should compel the offender, as far as possible, to compensate those injured by the offense. Tenth, the punishment should be popular—should not be repulsive to public opinion and excite sympathy for the offender. Eleventh, the punishment should always be remissible; for though clemency should never be necessary in scientific

penology, the possibility of error should always be kept in mind and the punishment fixed with a view to remission if mistakes should occur.

Bentham's principle of utility has been scathingly condemned. Moralists and idealists have united in denunciation of its "base" materialism. He judged human beings as though they were swine, it was said. If we "take away conscience, as Bentham does," complains Robert H. Murray, "there is no such thing as a moral or an immoral action, though there may remain acts that are generally useful or the reverse. As there is no individual conscience, so there is no collective conscience. The culprit does not feel the censure of the community."¹ This view is scarcely fair to Bentham's ethics. Bentham rejected moral judgments for the same reason that he rejected natural rights, sovereignty, and other metaphysical absolutes. He thought them worse than meaningless; they were prone, in his opinion, to gross perversion and abuse in the hands of ignorant, intolerant, and selfish men. What he sought was a standard of right and wrong, and therefore a basis of authority, which could be related to tangible and objectively measurable values. The senses, he thought, were real, not imaginary, and could be quantitatively dealt with. When we examine Bentham's catalog of pains and pleasures, we find that the latter include practically all of the conventional Christian virtues. To Bentham these were significant as simple facts in the sensory experience of man. That conscience approved or disapproved was of little consequence, for conscience, as the history of mankind would abundantly prove, was often a treacherous guide. The transcendent purpose of government was to augment the sum total of human happiness and diminish that of unhappiness. Why not, therefore, place on one side of the equation those factors of life which experience had proved to be conducive to general pleasure and on the other those which likewise had been shown tendful to general pain?

The weakest points of Bentham's philosophy were that his psychology was inadequate and his reconciliation of individual and community satisfactions largely unsuccessful. His diagnosis of the motivating forces of human behavior did not probe deep enough to reveal the fact that pain and pleasure are superficial and often artificial concepts expressing results but not disclosing causes, and

¹ *The History of Political Science* (1926), p. 314.



hence are likely to prove misleading standards of utility. Nor was Bentham able to cross the chasm between individual and social utility. He seemed to think that under the principle of utility there could be no antagonism between the individual and the state, apparently because the sum total of individual satisfactions would indicate the course invariably to be pursued by the state. But this was to leave out of account the impossibility of a state policy in harmony with a calculus of pains and pleasures for each and every member of the community. Either the state must impose upon all the pain-pleasure reckoning of the majority or of the ruling classes, or it must resign authority and give way to the arithmetic of anarchic individualism. Though he would not firmly grasp it, Bentham inclined more to the first than the second horn of that dilemma.

Regardless of the shortcomings of his utility theory, Bentham's service to political thought was enormous. By his merciless skepticism and cold analysis the preposterous fictions of history and logic by which the social contract philosophers had bolstered up their theory of the state were shorn of all respectability. More forcibly and more clearly even than Hume or Spinoza he drove home the truth that the basis of political society is eternally contemporary. Not some dubious occurrence in the ancient past nor some conceptual compact of pre-social vintage was to be deemed the cornerstone of political authority, but the habitual obedience of men, and the present underlying reasons for that obedience. For Bentham and his disciples present obedience, and hence present authority, was predicated upon the conscious or subconscious realization of the utility of government. That, of course, was too simple an explanation to contain the whole truth; but a conscious or subconscious recognition of the utility of the state is undeniably an important ingredient in the political psychology of every people. By bringing this into clear relief, overstressing it perhaps, Bentham wrote largely the doctrine that government must justify itself and thus find title to authority in its direct and immediate service to mankind. That was more revolutionary in many ways, more challenging. The Powers That Be, than the volcanic doctrine of natural rights. Not even those who rejected and ridiculed Bentham's pain-and-pleasure criterion of utility could ignore the implications of his pragmatic revolt against the unrealities of political dogma.

No less alterative was Bentham's influence upon theories of so

creignty and law. Law, he insisted, was not a mystic mandate of "reason" or "nature," but simply the command of that authority to which the members of the community render habitual obedience. The right or capacity to issue and enforce such commands was nothing more than a result of the habitual obedience. Law, therefore, was simply an expression of the will of one accustomed to receive obedience, and sovereignty was the faculty or capacity of supreme will—supreme only because its commands were habitually obeyed above all others. Since the only ascertainable will in human affairs, according to Bentham, was the will of human beings, he argued that sovereignty must be vested in a definite human superior whose commands are law so long as they are habitually obeyed. Under this view the right to rule and the obligation to obey proceeded not from absolute and eternal canons of reason or nature, but from simple facts of human association. There was no ethical element involved. Bentham divorced politics and ethics almost as completely as Machiavelli. He recognized no moral right to command and no moral duty to obey; nor did he see any moral considerations in the question of revolution. Sovereignty, as he defined it, was merely a natural phenomenon. Sovereign right to command was limited only by the sovereign's ability to get his commands obeyed; and the rightful liberty of subjects to resist was limited only by their ability to gain enough support to make law enforcement impossible. In determining how far either authority or opposition to authority should be pressed, thought Bentham, the principle of utility would prevail.

Here was a doctrine to rock the foundations of all accredited political theory. With ruthless logic Bentham had brushed aside the ancient verities of both radical and conservative thought; had erased all distinction in principle between free and despotic polities; had put it down that divine right, feudal right, historical right, natural right, contractual right, and constitutional right equally and alike were rubbish and nonsense. There was no right to rule, he had declared, and no right to be free; there was only the fact of power and the circumstances which made that power a fact. It was folly to put any trust in categorical absolutes; the task of intelligent statecraft and similarly of intelligent citizenship was to understand the nature and laws of power and utilize them to beneficent ends. Exceedingly unwelcome to romantic minds, both radical and reac-

tionary, was this pitiless realism. It was bitterly assailed, but its influence could not be checked. Like a violent purge, it swept through nineteenth-century political thought and cleared away a multitude of obstructions to scientific thinking.

Bentham's contribution to jurisprudence, especially criminal jurisprudence, has already been mentioned. In this field his influence was immediate and lasting. No man did more to unravel the complexities of mediaeval law or to introduce simplicity, clarity, and practical good sense into legal thinking. His persistent and contagious propaganda in behalf of codification was directly responsible for the widespread codification movement of the middle and latter decades of the nineteenth century; and his utilitarian theories of punishment started a wave of penological reform which has not yet subsided.

IV

One disciple of Bentham whose influence, though confined to the narrow sphere of jurisprudence, gradually colored the political as well as the legal thinking of many of the outstanding publicists of the nineteenth and twentieth centuries was John Austin, the father of "positive" law and "determinate" sovereignty. Austin was born in 1790 and died in 1859. At an early age he entered the army, but resigned his commission in 1812 and took up the study of law. He was called to the bar in 1818 but found he had no talent for the practice of law and gave it up. In 1819 Austin married Sarah Taylor, a member of a socially prominent family and a woman of distinguished literary attainments. Mrs. Austin enjoyed a wide friendship in intellectual circles, and among those most frequently entertained at her home were Bentham, James Mill, and Grote. Through these gentlemen Austin was brought into intimate contact with the utilitarian cult.

In 1826 Austin was offered the chair of jurisprudence in the newly founded University College of London. Feeling the necessity of special preparation for this post, he went to Germany and spent two years in study at Heidelberg and Bonn. There he made the acquaintance of leading German intellectuals and became especially intimate with the great jurist, Savigny. Austin began his lectures at the University College in 1828 and made a deep impression on his classes, which included John Stuart Mill, Sir Samu

Romilly, and others who were destined to become great figures in English public life. In 1832 he published his most important treatise, *The Province of Jurisprudence*. In the same year he resigned his professorship.

The remainder of Austin's career was of little consequence in his philosophic labors. In 1833 he was made a member of a royal commission to draw up a digest of criminal law and procedure. In 1834 he was asked to give lectures on jurisprudence and international law before the benchers of the Inner Temple, but the attendance was so small that the course was discontinued after a few lectures had been given. In 1836 he was appointed royal commissioner to Malta. Retiring from this post in 1838, he lived in France during the next ten years. The revolution of 1848 caused him to return to England, where he lived in semi-retirement until his death. After Austin's death his wife republished his *Province of Jurisprudence* and certain supplementary papers under the title *Lectures on Jurisprudence*, and it is through this volume and the teachings transmitted by his pupils that his doctrines have made their principal impact upon the world.

The word "Austinian" is one of the common adjectives in the vocabulary of modern public law. Every beginner in jurisprudence is supposed to know its meaning whether or not he knows anything much of John Austin and his system of thought. The tendency since the turn of the twentieth century has been to acquaint students with Austin's theories chiefly in order to refute them and maintain different or contrary theories. That in itself is a significant thing. That they must be continually refuted indicates the acuteness and power of Austin's dogmas.

Bentham's utilitarianism and Austin's positivism were made for each other like piston and cylinder. Austin's military training and experience had so conditioned his mind that when he came into contact with Bentham's realistic theory of law it seemed an obvious truth, needing only to be analytically elaborated and systematized. His study of jurisprudence under German masters, added to his naturally acute and rigorous intelligence, most admirably fitted Austin for this task. Starting where Bentham left off, he contributed precision, order, and meticulous logic to the utilitarian doctrine in the narrow but highly important field of juristic thought.

The pivotal concept of Austinian positivism was its definition of

law. Austin sought a definition that would eliminate all uncertainty as to what was and was not law. Accepting without question Bentham's idea that what imparts the quality of law to any rule or mandate is the fact of habitual obedience, he removed from consideration everything but man-made rules. The so-called laws of nature and laws of God, whatever they were, could not be counted among the rules which courts of justice had to administer. Habitually obeyed they might or might not be; but the obedience, when given, was from religious or ethical and not political motives. When disobeyed, there was no sanction that judicial tribunals could apply.

Of man-made rules Austin discerned two great classes. One consisted of "rules set and enforced by *mere opinion*, that is by the opinions or sentiments held or felt by an indeterminate body of men in regard to human conduct."¹ The other consisted of rules set and enforced by political superior. Rules of the first type, said Austin, could not properly be termed law; they belonged rather in the category of "positive morality." The only rules which could be truly regarded as "positive law" were such as, in substance if not in form, amounted to a command which might be followed by definite punishment if disobeyed. A fairly precise definition, one would say; but it was not yet sufficiently exact to satisfy the severe analysis to which Austin subjected every concept he put forth. There were, he perceived, two species of commands. Some were "occasional" and "particular"; not of general force or application. Others created obligations "*generally* to acts or forbearances of a *class*."² The latter alone could be deemed "positive law."

What Austin had done was to rule out of the domain of real law not only divine law and natural law but also practically all of international law and large portions of constitutional law. In so doing he achieved a degree of clarity and exactness unprecedented in the annals of jurisprudence, but introduced into legal thinking a logical fixity which has been the bane of evolutionary jurists ever since. Entirely pre-Darwinian in his grasp of social forces, Austin made no place in his system for the gradual development of opinion into law. A rule, according to his analysis, was either positive law or

¹ "Lectures on Jurisprudence," in W. J. Brown (ed.), *The Austinian Theory of Law* (1906), Chap. i, par. 6.

² *Ibid.*, Chap. i, pars. 34, 37.

not law at all. Legal obligation could exist only when the rule was positive law. Moral obligation might exist in other cases, but with that, law was not concerned.

The famous Austinian definition of sovereignty followed hard on the heels of the concept of positive law. "The essential difference," wrote Austin, "of a positive law (or the difference that severs it from law which is not positive law) may be stated thus. Every positive law is set by a sovereign person, or a sovereign body of persons, to a member or members of the independent political society wherein that person or body of persons is sovereign or supreme."¹ This called for a definition of sovereignty, which the author forthwith supplied: "The notions of sovereignty and independent political society may be expressed concisely thus.—If a determinate human superior, not in the habit of obedience to a like superior, receive habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society, and the society (including the superior) is a society political and independent."²

Not since Bodin had any one so clearly and cogently stated the principle of absolute, concentrated authority. Austin was exceedingly careful to fortify his definition against ambiguity and obscurity. The only authority he was willing to rank as sovereign was that resulting from the "habitual obedience" of "the bulk of a given society" to a "determinate human superior." All other authority rested upon fictitious or illusory foundations and could be challenged as lacking the essence of real political power. If it was not vested in a determinate human being or beings, there was no will by which it could be invoked and exercised. If it did not rest upon habitual obedience from the bulk of an independent political society, it was fortuitous and uncertain. Austin's point of view was purely factual. If the conditions of his formula could not be met, how, asked he, could it be pretended that there was any will superior to any other? Where was the unity and control necessary to avert anarchy and establish and maintain law? The why of the habitual obedience did not concern him much. He accepted with little question Bentham's pain-and-pleasure hypothesis of political motivation. But the deductions he drew from the facts as he interpreted them were not to be easily brushed aside.

Austin insisted that actual sovereignty was indivisible, and in

¹ *Ibid.*, Chap. ii, par. 219.

² *Ibid.*, Chap. ii, par. 221.

every independent political community was definitely located in certain ascertainable human beings. He was at some difficulty in maintaining this thesis in the case of federal governments like the United States, but he satisfied the requirements of his doctrine by advancing the ingenious explanation that in composite states of this sort sovereignty may be found in an aggregate of persons in whom the totality of authority is reposed. Beyond the ambit of positive law Austin did not claim supremacy for the sovereign, but within that sphere he asserted that its authority was single and absolute. Liberties and rights could not exist in that sphere; those words, he declared, were merely euphuisms describing the privileges variously conceded by sovereign authority to its subjects.

The theory of legal sovereignty in its modern form was Austin's most important contribution to political thought. He was far from attributing to the state any moral, rational, or even political supremacy. What he did maintain was that given an independent political society in which habitual obedience is established, there is a single and ultimate personal will or there is no state at all. This doctrine has become the chief bastion of the monistic nationalism of the late nineteenth and early twentieth centuries. Though subjected to a hurricane of criticism from the champions of political pluralism, it still stands and with the rise to the totalitarian and authoritarian state concepts of the post-war period seems to be gaining strength.

V

In the two Mills, James (1773–1836), the father, and John Stuart (1806–1873), the son, Benthamism found its most powerful prophet and its most penetrating revisionist. "The century covered by these two lives," says Dunning, "fixes very fairly the chronological bounds within which the Benthamite utilitarianism rose, flourished and passed away by absorption into later philosophic growths." It is hard to decide which of the two exerted the greater influence although John Stuart Mill is commonly accounted a more profound political thinker than his father.

After a brilliant student career at the University of Edinburgh James Mill went to London in 1802 in quest of fame and fortune and was richly rewarded with both. Fame attended his every step

¹ *A History of Political Theories from Rousseau to Spencer* (1920), p. 235.

As an editor, essayist, historian, economist, and psychologist he gathered a reputation which made him one of the most renowned personages of his time. Fortune also smiled upon him, and secured for him, after the publication of his *History of India* in 1818, one of the high-salaried posts in the India Service. Mill became acquainted with Bentham in 1808 and soon was one of the great utilitarian's closest friends and disciples. So deeply devoted to Bentham and his philosophy did Mill become that he conceived it to be his mission to bring the teachings of the master to the attention of the world. He was a voluminous contributor to periodicals as well as a writer of books, and was undeniably a great force in the popularization of utilitarian doctrines. His articles on that subject in the fifth edition of the *Encyclopaedia Britannica* in 1814 made a great impression and were regarded as an authentic exposition of the utilitarian view.

It cannot be said that James Mill added much to Bentham's stock of basic ideas, but he was a genius at dressing those ideas to achieve the best effect. His version of utilitarianism was illuminated with historical, economic, and psychological analyses which Bentham had been unable to supply. Largely because of a desire to place utilitarianism on a sure and clear psychological and philosophical foundation, Mill wrote, in 1829, his *Analysis of the Phenomena of the Human Mind*, which is said to have launched the "associationist" theory of modern psychology. Seeking firmer economic bases for the utilitarian gospel, Mill delved into economic theory and was instrumental in stirring Ricardo, also one of Bentham's disciples, to write his classic treatise on the *Principles of Political Economy and Taxation*. Condensing and interpreting Ricardo's views, Mill published in 1821 his *Elements of Political Economy*, which is now honored as the first English textbook on economics. Mill is also said to have convinced Bentham that political reform must precede legal reform and to have enlisted his aid in the formation of that influential group of liberal reformers who came to be known as the philosophical radicals.

James Mill was greatly interested in education and wrote extensively on that subject. In his son he determined to give the world an example of what careful and intelligent education could do, and therefore took upon himself the responsibility of the boy's tutelage from the earliest years. At the age of three John Stuart Mill was

taught Greek by his father; at the age of eight he began the study of Latin, algebra, and geometry, and was also reading Xenophon, Plato, Herodotus, Isocrates, and Diogenes in Greek and Gibbon and Hume in English. At twelve years of age John Stuart began the study of logic and read Aristotle's treatise on logic in the original Greek. When he was thirteen the father concluded that the prodigious boy had sufficient background for the study of political economy and took him through Adam Smith's *Wealth of Nations* and Ricardo's *Principles*. The next year he was sent to France with Samuel Bentham, a brother of Jeremy, and there learned the French language and studied higher mathematics, chemistry, and botany. Returning to England at the age of fifteen, young Mill took up the study of psychology and attended Austin's lectures on jurisprudence. He decided he wanted to be a lawyer and began to study for the bar. At the age of seventeen, however, he lost his interest in law and entered the India Service as a clerk in the examiner's office under his father.

The next thirty-five years of John Stuart Mill's life were spent in the India Service. He rose to be one of the responsible undersecretaries of the India administration and for a long period had charge of the drafting of all despatches and documents dealing with the native States of India. Through this experience he gained a large knowledge of the practical side of government and public administration. Upon the dissolution of the India Company and the reorganization of the India Service in 1858, Mill retired on a generous pension. In 1865 he was elected to Parliament in one of the most remarkable political campaigns in history. He refused to solicit votes, put up money for election expenses of any sort, or engage in any of the usual campaign activities. Moreover, he announced in advance that if elected he would attend to none of the petty local business on which legislative constituencies are wont to set such a store. The novelty of this mode of campaigning was probably responsible for his election. But when he took his seat in Parliament and proceeded to do exactly as he had promised, that was carrying the joke too far to be amusing. Mill served three years in Parliament, making unpopular speeches on unpopular subjects and generally devoting himself to things he thought needed doing but no one else would do. He advocated minority representation, proposed woman suffrage and representation for women, advocated a reduc

tion of the national debt, opposed the suspension of the writ of *habeas corpus* in Ireland, aroused the ire of the farmers by proposing measures to prevent cattle diseases—and was defeated for reelection in 1868.

Such was John Stuart Mill's career in public service. His other and far more famous career of essayist, philosopher, and reformer was carried on "out of hours," so to speak. From early manhood Mill was constant contributor to reviews and periodicals, and gradually built up a literary and philosophical reputation that classed him as one of the intellectual heavyweights of the Victorian Era. Reared in inner household of utilitarianism and under the personal instruction not only of his father but also of Bentham, Austin, and Ricardo, it was inevitable that he should begin as a doctrinaire utilitarian. About the time of taking his post in the India Office he read Bentham's *Principles of Morals and Legislation* and was so deeply impressed that he dedicated himself to the task of perfecting and disseminating the Benthamite cult. With this in mind, he took the lead in 1822 in the organization of the Utilitarian Society. In this self-appointed mission, as we shall see, Mill was not to succeed. He had neither the emotional nor the intellectual equipment for the cold-hearted job of producing a definitive statement of utilitarianism. Experiences during a visit to France shortly after the revolution of 1830; a spiritual crisis in his late twenties; the release from intellectual bondage following the death of his father in 1836; and most of all, perhaps, his twenty-year courtship of Mrs. Taylor, whom he married upon her husband's death in 1851, so humanized his mental processes that his interpretation of utilitarianism ended in a revisionary compromise with idealistic collectivism.

Mill wrote extensively on many subjects—logic, metaphysics, history, economics, and government. On the last-named topic his most important works were his essays on *Representative Government*, *Liberty*, *Parliamentary Reform*, *Utilitarianism*, and *The Subjection of Women*. In his political as in all his other philosophical writing Mill exhibits an unresolved conflict between the intellectual furniture inherited from the utilitarian preceptors whom he loved and revered and the conclusions to which he was driven by his own open-minded and sympathetic observations of fact. While this consistent want of consistency in time greatly impaired Mill's reputa-

tion as a thinker, it was in no small part the cause of the tremendous attraction he had for the generation in which he lived—a generation as sadly confused as he was himself.

Thoroughly characteristic of Mill's retreat from utilitarianism is his treatment, in the essay on *Utilitarianism*, of Bentham's calculus of pains and pleasures. He begins by accepting the Bentham formula almost without reservation:

"The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain."¹

Then—

"It is quite compatible with the principle of utility to recognize the fact, that some *kinds* of pleasure are more desirable and more valuable than others. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone."¹

With this and similar qualifications all along the line Mill saved the face of Benthamism but confessed its essential fallacy. It was, in fact, wholly incompatible with the Benthamite formula to admit any but the quantitative basis of evaluating pains and pleasures. Scientific legislation, as conceived by Bentham, must avoid ethical judgments and confine itself to objective facts which could be quantitatively measured. Deviate from this severely amoral rule, and you were immediately in the same boat with the metaphysicians, theologians, and other ideologues whose doctrines were mainly imaginative. If utility was a qualitative as well as a quantitative

¹ *Utilitarianism, Liberty, and Representative Government* (Everyman's Library, 1910), pp. 6-7.

thing, it became of necessity as elusive as quicksilver and as variable as conscience. Exactness was impossible and Bentham's whole system was enveloped in fog. Mill's loyalty to the inherited creed would not let him see the naked truth, which was that the Benthamite psychology of human motivation was far too simple and superficial to explain either the individual or the social behavior of men, and was not, therefore, a valid basis for a scheme of social control in which the greatest happiness of the greatest number was to be sought by weighing and employing forces supposedly emerging from the factors of pain and pleasure alone. Yet his acuteness of perception and breadth of mind compelled him to recognize the flaws of the "felicific calculus" in numerous concrete cases. Accordingly he made exceptions and resorted to laborious rationalizations which ultimately made him say:

"In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbour as yourself, constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes; so that not only may he be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence."¹

In this interpretation of utilitarianism very little of Bentham remains. Bentham was concerned not with the Ought but the Is in human motivation and behavior. His objective was a rule of legislation that could be applied to things as they are at any level of morality or any stage of civilization. The resulting greatest happiness might not be the kind of happiness men ideally ought to enjoy but it would be a kind they actually could and would most enjoy

¹ *Ibid.*, p. 16.

and would therefore be the best, under the circumstances, that human society could give. Bentham's principle of utility, in a society of wolves would exalt wolfishness; in a society of saints it would exalt saintliness. Mill was determined that saintliness should be the criterion of utility in any society whatsoever.

Mill was much more at ease in his essay on *Liberty* than in his defense of utilitarianism. In closing the latter he vigorously rejected the doctrine of expediency as the paramount guide in determining the proper course of action for the state. The principle of utility, he maintained, did not necessitate this conclusion at all. There were, he insisted, various kinds and gradations of utility, and among them "certain social utilities which are vastly more important, and therefore more absolute and imperative than any others are as a class (though not more so than others may be in particular cases); and which therefore ought to be, as well as naturally are, guarded by a sentiment not only different in degree, but also in kind; distinguished from the milder feeling which attaches to the mere idea of promoting human pleasure or convenience, at once by the more definite nature of its commands, and by the sterner character of its sanctions."¹ Liberty belonged in this category of transcendent utilities.

The older utilitarians had not ranked liberty so high in their scale of values. Other things were equally vital in their view, and they were not unwilling upon occasion to sacrifice liberty to other ends. They lived in an age when tyranny was almost exclusively the work of intrenched minorities, and could be overcome only by curtailing their liberties and subjecting them to social control. But John Stuart Mill lived in an age in which it was beginning to be evident that majorities could work tyranny as well as minorities, and just as harmfully to the common weal. Protection for minorities was becoming as important as protection against minorities. Mill could not fall back upon the discredited doctrine of inalienable rights; his utilitarian predecessors had made mince-meat of that. There was only one road for him to take, and that was the road of the Higher Utility. A distinction must be drawn between utility redounding to the good of individuals and utility redounding to the good of society, also between that tending toward the temporary good of society, or a major part thereof, and that tending toward

¹ *Ibid.*, p. 60.

the permanent good of society as a whole. This last must take priority over all others and rank supreme in every calculation of values.

Individual freedom of body and mind was of such vast social as well as individual importance, in Mill's opinion, that

"the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. . . . The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute."¹

Here was a creed of individualism as far-reaching and uncompromising, apparently, as that of Locke or any other natural rights philosopher. But Mill hastens to inform his reader that the rationale of his individualism is strictly utilitarian:

"It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being. Those interests, I contend, authorise the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people."²

Having taken this extreme position, Mill at once began his characteristic maneuver of retreat under the cover of carefully reasoned exceptions and qualifications. His doctrine of liberty manifestly was intended, he said, to apply "only to human beings in the maturity of their faculties";² not to children or other persons whose immaturity or other deficiencies of mind, body, or character re

¹ *Ibid.*, pp. 72-73.

² *Ibid.*, p. 74.

quired them to be taken care of by other people. For the same reasons it could not be extended to backward peoples or races. "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion."¹

Nor was that all. Even in a civilized society as between mature and intelligent persons, said Mill, there was a sphere in which individual liberty must be entirely subordinated to collective welfare. The boundaries of this sphere were marked by (1) the individual's obligation to do no harm to others and (2) the individual's obligation to bear his due share of the "labours and sacrifices" necessary to secure society or any of its members against harm. Realizing and willingly granting that these boundaries must in many cases be dimly lined and capable of almost indefinite expansion, Mill took pains to establish the frontiers of the domain in which liberty should be absolute and unimpaired. This included "liberty of thought and feeling," "absolute freedom of opinion and sentiments on all subjects, practical or speculative, scientific, moral, or theological," "liberty of expressing and publishing opinions," "liberty of tastes and pursuits," and freedom to unite with other persons for purposes not involving harm to others. "No society," he went on to say, "in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified."

Mill's chapter on freedom of thought and discussion is one of the finest things on that subject in the annals of political literature, fully equaling the heights attained by Milton, Spinoza, Voltaire, Rousseau, Paine, Jefferson, and other doughty champions of liberty to think and speak. Harken to these oft-quoted aphorisms: "We can never be sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still."² "All silencing of discussion is an assumption of infallibility."² "Judgment is given to men that they may use it. Because it may be used erroneously, are men to be told that they ought not to use it at all?"³ "He who knows only his own side of the case, knows little

¹ *Ibid.*, p. 73.

² *Ibid.*, p. 79.

³ *Ibid.*, pp. 79-80.

of that.”¹ “Popular opinions, on subjects not palpable to sense, are often true, but seldom or never the whole truth.”² “The fatal tendency of mankind to leave off thinking about a thing when it is no longer doubtful, is the cause of half their errors.”³ “If the teachers of mankind are to be cognisant of all that they ought to know, everything must be free to be written and published without restraint.”⁴ “Men are not more zealous for truth than they often are for error, and a sufficient application of legal or even of social penalties will generally succeed in stopping the propagation of either.”⁵ “Mankind can hardly be too often reminded, that there was once a man named Socrates, between whom and the legal authorities and public opinion of his time there took place a memorable collision.”⁶

As mentioned above, Mill had no doubt of the utility of absolute liberty of thought and expression. In dealing with other liberties he was much less sure. Though he stubbornly strove to maintain the line of distinction between state interference for positive social ends and solicitous proctorialism for the good of the individual alone, he had a difficult time of it. He would not admit, for instance, that the police power of the state should be used to punish a person for gambling, drunkenness, or sexual immorality or to abridge his access to these evils, but he felt obliged to concede that it might be justly used to combat the social consequences of such acts. Which, for most practical purposes was to emphasize a distinction where no substantial difference existed. In the upshot, therefore, Mill found himself in company with a good many of the radical reformers and not without a considerable sympathy for socialism. But his inbred distrust of authority, and especially of democratically controlled authority, was too deep to allow him to cross the road entirely. He was willing, as social necessity dictated, to grant to government a much-widened sphere of authority, but it must be a type of government that could be trusted to follow the principles of utility as he conceived them. In the essay on *Representative Government* Mill undertook to determine what form of government was best adapted to this purpose.

Mill's *Representative Government* is chiefly remembered to-day for its advocacy of proportional representation and woman suffrage;

¹ *Ibid.*, p. 97.

² *Ibid.*, p. 105.

³ *Ibid.*, p. 103.

⁴ *Ibid.*, p. 99.

⁵ *Ibid.*, p. 90.

⁶ *Ibid.*, p. 86.

which are yet sufficiently novel reforms in many parts of the world to be deemed "advanced." The comprehensive and systematic treatise in which Mill set forth his criteria of good government and discussed with great acumen and wisdom the problems of governmental structure and procedure, has been largely forgotten. The question of forms and modes of government was eclipsed in the late nineteenth and early twentieth centuries by the more insistent question of government regulation and control of industry. Not yet, indeed, do many outstanding publicists attach proper importance to political machinery and methodology. It is a safe prediction, however, that future political scientists will largely blame the failure of modern experiments in "controlled" or "planned" economy on to failures of governmental technique resulting from want of attention to fundamentals in political mechanics.

One school of opinion holds that political institutions are a natural growth and must be taken as they are found; that like biological organisms, they cannot be effectually improved by conscious human innovation. The opposite school holds that government, as Mill put it, is "wholly an affair of invention and contrivance" and poses "a problem, to be worked like any other question of business."¹ Mill rejected both of these views and took his stand on the sensible middle ground that political institutions, though a natural growth, do not "resemble trees, which, once planted, 'are aye growing' while men 'are sleeping.' In every stage of their existence they are made what they are by human voluntary agency. Like all things, therefore, which are made by men, they may be either well or ill made; judgment and skill may have been exercised in their production, or the reverse of these."² Yet in every case, he cautioned, human judgment and skill must recognize that "political machinery does not act of itself," but by ordinary men, and "must be adjusted to the capacities and qualities of such men as are available."² Satisfied that this was the right approach, he made bold to say: "To inquire into the best form of government in the abstract (as it is called) is not a chimerical, but a highly practical employment of scientific intellect; and to introduce into any country the best institutions which, in the existing condition of that country, are capable of, in any tolerable degree, fulfilling the conditions, is one of the most rational objects to which practical effort can address itself."³

¹ *Ibid.*, p. 175.

² *Ibid.*, p. 177.

³ *Ibid.*, p. 181.

"The first element of good government," according to Mill, was "the virtue and intelligence of the human beings composing the community." Hence, "the most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves."¹ If this was true, then the acid test of governmental machinery was "the degree in which it is adapted to take advantage of the amount of good qualities which may at any time exist, and make them instrumental to the right purposes."¹

Mill then proceeded to reduce these generalizations to practical terms. He was willing to concede that temporarily and in isolated cases a benevolent despotism might measure up to these standards, but ideally and in the long run only a representative government could do so. This did not mean that representative government could be equally and uniformly applied to all peoples. It should be adapted to the advancement of the people and their capacity for self-government. Above all else, it should not be supposed that representative government implied democratic government. To give ultimate sovereign power to the people, through the agency of a representative assembly, was one thing; to give the people or a representative assembly the function of governing was a totally different thing. Wielding sovereignty—the supreme power of approval or disapproval—was a thing the people or their elected representatives could and should do; but administering government, with all its intricacies and complexities, was beyond the capacity of even the most intelligent and virtuous people or assembly. "Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the nation, to expel them from office, and either expressly or virtually appoint their successors."²

Contemporary liberals did not share Mill's apprehensions as to dangers of democracy. Until the widespread reaction against democratic government ensuing after World War I, devotees of the creed of majority rule generally regarded Mill's critique of popular

¹ *Ibid.*, p. 193.

² *Ibid.*, p. 239.

institutions as long outmoded. But the generations following both world wars have found in Mill much to approve. At the high tide of democratic ideology it was difficult to believe that the most vulnerable points of democratic government are: "first, general ignorance and incapacity, or, to speak more moderately, insufficient mental qualifications, in the controlling body; secondly, the danger of its being under the influence of interests not identical with the general welfare of the community."¹ To-day even the warmest supporters of democracy admit those weaknesses. A half-century of experience with demagogism, bossism, and pressure politics has brought democratic thought face to face with reality. Though it is possible to take comfort in Mill's observation that democracy is no more, and possibly somewhat less, conditioned by the two fundamental weaknesses just mentioned than any other form of government, every clear-minded friend of democratic government to-day recognizes that unless these weaknesses can be overcome the case for democracy loses much of its force.

Mill believed it possible to organize democracy so as to offset these shortcomings and at the same time preserve its essentially democratic character. This was the basis of his argument for minority representation and his advocacy of the Hare system of proportional representation. That the majority should always prevail over the minority and the minority be unrepresented and even unheard was not, he declared, democracy at all, but tyranny. The essence of democracy, in his view, was equality. If minorities were not proportionately represented and could not make themselves heard and felt, the principle of equality was grossly violated. Minor groups were not to be placed in power, under his scheme of government, but were to be accorded such participation as would supply a salutary corrective to the excesses of the majority. The same conviction of the importance of full representation and rectifying balance lay behind his argument for the extension of the suffrage to all interests, opinions, and grades of intellect, and to women as well as men. "Democracy is not ideally the best form of government," he insisted, ". . . unless it can be so organised that no class, not even the most numerous, shall be able to reduce all but itself to political insignificance, and direct the course of legislation and administration by its exclusive class interest."²

¹ *Ibid.*, p. 243.

² *Ibid.*, p. 277.

It would be interesting and profitable, did space permit, to review Mill's penetrating comments on such matters as election methods, second chambers, executive organization, local government, federal government, and the government of dependencies. On each of these subjects he was deeply provocative, and made a contribution to political literature which modern students of government cannot afford to ignore.

VI

With John Stuart Mill the utilitarian school may be said to have made its exit, though Henry Sidgwick (1838-1900), the eminent professor of moral philosophy at Cambridge, built upon Bentham and Mill and was looked upon as their disciple. Sidgwick, however, was not a strict utilitarian and his principal work in the field of political thought was an attempt to reconcile the utilitarian with other philosophies of politics.

Though utilitarianism as a distinct body of thought passed from the scene well before the end of the nineteenth century, its influence did not die. The little circle of Benthamites dwindled and disappeared, but its members had done their work with surpassing efficacy. Not a single phase of social thought remained untouched by their speculations; and economics, politics, jurisprudence, penology, education, ethics, and even religion were profoundly affected by their doctrines. The idea of utility was of ancient and well-known lineage; Bentham did not discover it or do much to strengthen its logical underpinnings. What he and his followers did—and this is what gave their utilitarianism its remarkable velocity—was to equip it with the paraphernalia of a science. All scientific thinkers were obliged to reckon with it, if for no other reason than to refute it; and many found it an abounding source of seminal ideas which could be made to do service in other causes and other philosophies.

To politics and jurisprudence the chief service of nineteenth-century utilitarianism was the crushing barrage it laid upon the transcendental and metaphysical absolutes which blocked the road to scientific thinking. In forcing political and legal thinkers to meet the challenge of practical utility it forced them to scrap their neat verbal rubrics and come to grips with the actualities of communal existence. Reformers and opponents of reform alike were compelled to justify their positions by arguing the question of

benefits, which, though it left much room for theory, left none at all for obscurantism. Of similar character was the service of utilitarianism to ethics, religion, economics, and education.

At the outset utilitarianism was emphatically *laissez faire*. It demanded free trade, freedom of occupation, unrestricted competition, inviolable private property, and other individualistic reforms. In the end, however, it worked to the furtherance of collectivism; for, when individual liberty was found incompatible with the greatest happiness of the greatest number, the utilitarian, having no fixed position on the question of liberty, could logically turn to authoritarian collectivism whenever it seemed a better means of attaining the desired objective. As industrialization proceeded, utilitarians found themselves increasingly convinced of the utility of enlarged governmental interference in the domain of property and contract. Ultimately they were forced to make a sharp distinction between individual and social utility, and to place the latter on a higher plane than the former. This concept of paramount social utility and the arguments employed to sustain it, though never pushed so far by the utilitarians themselves, were to become leading factors in socialistic political thought.

Many streams of utilitarian influence may be traced down through various channels of political thought to the present time, and in almost every case it will be found that they have left a deposit of reality, simplicity, and exactness which has made for more honest and intelligent political thinking. These qualities of thought, which were the greatest strength of utilitarianism, were unfortunately its greatest weakness, too. It was guilty of the fallacy of over-simplification. Its precision was too exact for the facts with which it had to deal. Its realism was too superficial to be true. These defects, which so greatly troubled the younger Mill, have tainted its end as a system of political thought, but not until it had done its invaluable work of getting political science down from the stratosphere of meaningless verbalism and directed to the earthy business of seeking the laws which govern the political relations of actual men in actual life.

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CHAPTER XXIII
A NEW IDEALISM

I

EIGHTEENTH-CENTURY idealism, based on the doctrines of natural law, natural rights, and social contract and finding practical realization in political revolution and *laissez faire* economics, was sadly deflated by nineteenth-century facts. Revolution did not establish the rights of man; did not materialize the glorious threefold hope of liberty, fraternity, and equality; did not beget actual democracy or infallibly insure constitutional government. *Laissez faire* did not provide equality of opportunity or secure to every man the fruits of his own labor; did not, in truth, effect a genuine free play of natural economic forces. The nineteenth century saw revolution degenerate into chaos and reaction; saw democracy itself betray the grand ideals of the eighteenth century; saw economic freedom converted into an instrument of power and acquisition specially fitted to the hands of rapacious industrial moguls.

The theories and ideals which had dominated the eighteenth century would no longer do. Thinking men rebelled against them and sought new answers to the ever deepening riddles of social life. Fearing new expeditions upon the storm-tossed seas of speculation many conservative theorists turned back to the ancient platitude of authoritarianism. Visionary humanitarians, on the other hand sought escape in vain utopian dreams and fantastic projects for the founding of ideal communities. Bentham and his utilitarian disciples, striving for objectivity and practicality, proffered as a guiding principle their famous calculus of pains and pleasures. Others, fascinated with the possibilities of science, became convinced that the physical sciences constituted the only dependable source of truth about man and society, while some turned with equal confidence to historical research and new readings of the human record. Proletarian thinkers, revolting against the merely meliorative and as they thought, dilatory implications of the various doctrines of reform, propounded new formulas of revolution and pinned the faith in class war and the violent logic of materialism.

But there was one group of nineteenth-century political thinkers whose doctrines few understood at the time and few really understand to-day, but whose influence on modern political thought has been enormous. These were the metaphysical idealists. The chief writers of this school were German and English university professors. At first their doctrines gained notice only in academic circles, but, as is often the case with professorial ideologies, were taken up by enthusiastic disciples and widely disseminated. The greatest of the German idealists undoubtedly was Georg Wilhelm Friedrich Hegel, and of the English idealists, Thomas Hill Green. Before turning to the philosophies of Hegel and Green, let us briefly note the work of their principal forerunners, Immanuel Kant (1724–1804) and Johann Gottlieb Fichte (1762–1814).

Kant, who held the chair of logic and metaphysics at the University of Königsberg for more than thirty years, was not primarily a political thinker. Although he wrote several political works which attained much repute in his own day, these works actually were less influential in the political field than his strictly metaphysical masterpieces, *The Critique of Pure Reason* (1781) and *The Critique of Practical Reason* (1788). Kant's ideas are important in the history of political thought because they broke ground for a profound reaction against eighteenth-century liberalism and rationalism. Kant maintained that only pure reason can lead to truth, and he excluded from pure reason almost everything derivable from sensation and experience. Abstract reason rather than concrete reason was thus made the gateway to knowledge. If Kant were correct, men seeking truth in matters political should disregard the external world of material things and experiences. Kant said things do not present themselves to our minds, through our senses, as they really are. So, relying on experience alone, we only know things as they seem to be—never as they actually are.

Insisting that it is possible for the mind to arrive at important general truths without sensory experience, Kant asserted that pure reason could thus provide a body of principles for guidance in actual affairs. Any law, institution, or practice contrary to principles grounded in pure reason was not merely mistaken but morally wrong. For Kant contended that there is a universal moral law, rooted in pure reason, that everyone ought to obey. No man could have any true rights or liberties contrary to this law.

Fichte taught in several German universities and ended his career as a professor of philosophy in the University of Berlin. He began as a disciple and interpreter of Kant, but eventually took a far more extreme position. He contended that the strictly subjective activity of the mind (Kant's pure reason) is itself the cause of all of our ideas about the external world, and hence that mind alone is real. The individual mind, he said, is merely part of a universal and absolute mind, which is none other than God. The essence of mind, according to Fichte, is will. Only the Universal Will can be free; freedom for the individual mind or will can be no more than freedom to identify itself with the Universal.

In his mature political writings Fichte argued that the principal function of the state is to make individuals free by establishing in the outward world the conditions necessary to further identification with the Universal. This meant that it was the rightful business of the state not only to remove obstacles which might stand in the way of this consummation but to compel people to follow proper courses of action to that end. But Fichte was not content thus to exalt the state as a necessary means to the highest of all earthly goals; he finally came to the view that the state is an end in itself.

At one stage of his thinking Fichte believed that the culmination of political progress would come with the formation of a world organization of states. However, as he became more authoritarian in his idea of the state he also became more nationalistic. His later doctrine was that each people has its own peculiar attributes and capacities, and therefore that each state has a unique mission to fulfill.

II

In 1793 the faculty of the University of Tübingen issued a certificate in theology to a young *Herr Doktor* whom it described as of good ability, middling in industry and knowledge, but quite deficient in philosophy. The recipient of this dubious accolade was Georg Wilhelm Friedrich Hegel, who was destined to become the most renowned professor of philosophy in Germany and whom many have hailed as the outstanding philosopher of the nineteenth century. The faint praise of the faculty of Tübingen was probably well earned, for Hegel at Tübingen had shown little interest in the regular curriculum.

Hegel was born at Stuttgart on August 27, 1776. His father was an official in the fiscal service of the little kingdom of Württemberg and thus was able to give him a good education. He was sent to the grammar school at Stuttgart, where he did creditable but not distinguished work. In 1788, at the age of 18, Hegel entered the University of Tübingen as a theological student. He was not interested in theology and neglected the prescribed studies, but made good use of his time by reading widely in the Greek and Roman classics. In 1790 he was awarded the degree of doctor of philosophy and in 1793 received his certificate in theology.

Upon leaving Tübingen Hegel went to Bern, in Switzerland, as a private tutor. In 1797 he took a similar position in Frankfurt. The death of his father, in 1799, brought him a small inheritance which he decided to use as a ladder to a university appointment. In January, 1801 he took residence at the University of Jena in the hope of qualifying for a position there. Throwing himself wholeheartedly into the fuming intellectual activity of the university circles, he quickly won recognition. In August, 1801 he was licensed as a *Privatdozent*, or private teacher, and began lecturing on logic and metaphysics. His work was good and his reputation grew. In 1805 he reached the coveted goal of a regular professorship.

Hegel's years at Jena are often pronounced the most decisive influence in shaping the direction of his political philosophy. The French invasion of Germany occurred in 1806. Napoleon was at Jena in October of that year, the famous battle of Jena having been fought on October 14th. Hegel, a passive observer of these stirring events, is supposed to have conceived a profound admiration for Napoleon as the embodiment of great historic forces and to have modified his thinking accordingly. The facts seem to be, however, that Hegel's philosophical ideas had begun some years before to assume the characteristic mould in which they were given to the world, and that he was actually at work on the last sheets of his *Phenomenology of Spirit* when the French invaders marched into Jena on that memorable day in October, 1806. Hegel was undoubtedly a child of his time, and was deeply influenced by the course of events following the French Revolution; but he was too much the detached scholar and too deeply immersed in the purely intellectual to be swept from his bearings by any single event or personality.

The academic life of Jena was paralyzed by the war. Classes

were suspended and most of the professors left. Hegel sought a position at Heidelberg, but did not get it. For a year or so he was the editor of a newspaper at Jena; then he obtained a position as head of a *gymnasium* (secondary school) in Nuremberg. He held this position from 1808 to 1816. While at Nuremberg he married Marie von Tucher, who, though twenty-two years his junior, appears to have been just the person to balance his academic and social interests. His *Phenomenology of Spirit* had been published in 1807, but its importance was not promptly recognized and consequently it added little to his reputation. In 1816 he finished and published the last volume of his *Science of Logic*. The completion of this remarkable treatise brought widespread recognition, and Hegel was immediately offered professorships at Erlangen, Berlin, and Heidelberg. He chose Heidelberg and remained there until 1818, when he went to the University of Berlin to take the chair of philosophy left vacant by the death of Fichte. At Berlin Hegel quickly became a national and international figure. His doctrines were in high favor with the Prussian government, and he was signally honored in many ways and attracted a large following. He died suddenly, on November 14, 1831, after one day's illness of cholera.

Hegel's teachings were disseminated through his many pupils, his lectures, and most of all through his writings. His major writings include treatises on metaphysics, logic, religion, the fine arts, history, and politics. For the student of political thought his outstanding works are *The Philosophy of Right* (1821) and *The Philosophy of History* (posthumously published in 1837).

III

A well-known, but probably apocryphal, legend quotes Hegel as saying, "One man has understood me, and even he has not." Hegel doubtless never said such a thing, but thousands of philosophy students have heartily said it for him. Hegel's philosophy is one of the most difficult exercises the mind can undertake. Hegel though it far from incomprehensible, and multitudes of disciples have believed they understood it; but the many divergent and conflicting interpretations of Hegel lend color to the suspicion that few have really comprehended his philosophy. Cynics have sometime charged that Hegel himself did not.

The chief difficulty with Hegel's ideology lies in what he tried to do and the method by which he tried to do it. His purpose was to reconstruct the whole fabric of rationalism and create a system of thought that would be in absolute harmony with the actual world. His method was to start with what he conceived to be definitely and ultimately real and, upon that, to erect a superstructure that would comprehend the universal and clearly reveal the identity of the particular and the universal. In this undertaking he evolved a system of concepts and terminology which, though enormously fertile and provocative, have invited misunderstanding.

Hegel's attitude was determined by his ever-increasing disappointment in the rationalism of the eighteenth century. As a youth he had greeted the French Revolution with enthusiasm and had accepted with much confidence its underlying dogmas. But as terror, destruction, proscription, reaction, despotism, and war poured from that boiling cauldron of social upheaval, he came to feel that the idealism of the revolutionaries was fully as irrational as the obscurantism of the reactionaries. Idealism divorced from reality was, he decided, maudlin sentimentalism; reality unconnected with idealism was a meaningless muddle. Between these extremes of folly there must, thought Hegel, exist a sane and solid middle ground where ideals and objective facts would be found in complete accord. To the discovery and delineation of the perfectly rational middle ground Hegel dedicated his masterly intellectual talents.

The key to Hegel's political thinking is to be found in his first book, *The Phenomenology of Spirit*. This was not a political treatise, but a quest for universal reality. Hegel started on rock bottom with the fact of consciousness and its bearings on reality. There were, he said, six attitudes of consciousness toward reality. These were: simple consciousness, self-consciousness, reason, spirit (*Geist*), religion, and absolute knowledge.

Simple consciousness, he stated, could apprehend reality only through the evidence of the senses, which was inadequate and misleading. Consciousness could perceive no objective reality outside itself. Self-consciousness, the perception of selfhood and individuality, was similarly limited in respect to permanent external reality. Reason, therefore, had to come to the aid of consciousness and self-consciousness. Reason, as Hegel defined it, was none other than

the perception of the misleading nature of consciousness and self-consciousness. Reason, he said, related itself to reality by observing the external world, the phenomena of mind, and the nervous organism of man; and sought to find in them a common meeting-place of body and mind. But reason, too, was misleading; for, finding much in the world that was inconsistent with reason, reason was invariably impelled to create a world of its own, a world of perfect consistency and hence a world far removed from reality.

True and infallible perception of reality, said Hegel, was possible only through *Geist*. The nearest English equivalent of this word is "spirit," but Hegel apparently did not mean spirit in the sense of soul or psyche. His *Geist* was something more tangible and objective. It was a specially developed form of consciousness—consciousness manifested, he said, as the indwelling essence of a community; not consciousness apart from its surroundings, but consciousness wholly identified with its external environment and fully harmonized with the vital and dominant feelings animating the community in which it resided. Thus it was not individual consciousness, not community consciousness; but consciousness emerging from a synthesis of individual and communal experience. This consciousness was not, as Hegel viewed it, an ethereal abstraction, but a solid and objective fact of human life.

Geist, according to Hegel, furnished the basis for a moral order, and this moral order, working gradually toward a more perfect conception of God, was religion. The final consummation of religion would be absolute knowledge—*Geist* knowing itself as *Geist* and comprehending all other forms of knowledge as parts of itself.

This concept of *Geist* was basic in all of Hegel's political thinking. It appeared in various aspects—*Weltgeist* (world-spirit), *Volksgeist* (national spirit), *Zeitgeist* (time-spirit). It fathered nearly all of his political doctrines and dominated his idea of historical evolution. The state, Hegel tells us, is the shape assumed by *Geist* in its complete realization in phenomenal existence. The moral order, slowly developing in the family and other forms of association, finds its consummation in the state. "Summing up what has been said of the state," he remarks in *The Philosophy of History*,

"we find that we have been led to call its vital principle, as actuating the individuals who compose it—Morality. The state, its laws, its arrangements, constitute the rights of its members; its natural features,

its mountains, air, and waters are their country, their fatherland, their outward material property; the history of this state, *their* deeds; what their ancestors have produced belongs to them and lives in their memory. All is their possession, just as they are possessed by it; for it constitutes their existence, their being.

"Their imagination is occupied with the ideas thus presented, while the adoption of these laws, and of a fatherland so conditioned is the expression of their will. It is this material totality which thus constitutes *one* Being, the spirit of *one* People. To it the individual members belong; each unit is the Son of his Nation, and at the same time—in as far as the state to which he belongs is undergoing development—the Son of his Age. None remains behind it, and still less advances beyond it. This spiritual Being (the Spirit of his Time) is his; he is representative of it; it is that in which he originated, and in which he lives."¹

In this passage we have the essence of the Hegelian concept of the state. It is not only an organism evoked by the *Volksgeist* and the *Zeitgeist* but an actual juridical person embodying "a Spirit having strictly defined characteristics, which erects itself into an objective world, that exists and persists in a particular religious form of worship, customs, constitution, and political laws—in the whole complex of its institutions—in the events and transactions that make up its history."² This majestic being, said Hegel, "is the realized ethical idea or ethical spirit . . . the will which manifests itself, makes itself clear and visible, substantiates itself . . . the will which thinks and knows itself, and carries out what it knows, in so far as it knows."³

Because it is, as Hegel declares, "the realized substantive will having its reality in the particular self-consciousness raised to the plane of the universal,"⁴ he concludes that the state is "absolutely rational." There can be no higher rationality, he asserts, because nothing can be more rational than consciousness and will working themselves out in universal patterns. The substantive unity of the state is, therefore, its own motive and absolute end. "In this end," he proceeds, "freedom attains its highest right. This end has the highest right over the individual, whose highest duty in turn is to be member of the state."⁴ So the state is said to be "the march of God

¹ G. W. F. Hegel, *The Philosophy of History* (trans. by J. Sibree, rev. ed., 1900), p. 5.

² *Ibid.*, pp. 73-74.

³ "The Philosophy of Right," excerpt in M. Spahr, *Readings in Recent Political Philosophy* (1935), p. 188.

⁴ *Ibid.*, p. 189.

in the world," and when thinking of the state we must not have in mind any particular state but rather "the idea, this actual God, by itself."¹ For,

"Although a state may be declared to violate right principles and to be defective in various ways, it always contains the essential moments of its existence, if, that is to say, it belongs to the full formed states of our time. But as it is more easy to detect shortcomings than to grasp the positive meaning, one easily falls into the mistake of dwelling so much upon special aspects of the state as to overlook its inner organic being. The state is not a work of art. It is in the world, in the sphere of caprice, accident, and error. Evil behavior can doubtless disfigure it in many ways, but the ugliest man, the criminal, the invalid, the cripple, are living men. The positive thing, the life, is present in spite of defects, and it is with this affirmative that we have here to deal."¹

Hegel's doctrine of sovereignty proceeds directly from this exaltation of the state as the external manifestation of ultimate consciousness and will. Sovereignty, according to Hegel, does not result from any contractual association of individuals, but from the necessary unity of the state itself. Apart from the state, particular wills and particular offices and functions can have no indefeasible existence. In themselves they fall short of completeness, and hence of positivity, rationality and morality. The state, however, unites and harmonizes the particular and the universal, fully expresses and realizes the *Weltgeist*, *Volksgeist*, and *Zeitgeist* as they actuate and condition its members as a social entity. The state, therefore, must be deemed sovereign and supreme.

The right of absolute decision unquestionably belonged to the state. Hegel allowed no place for individual freedom against the state. In his system the inalienable rights of man as an individual were utterly obliterated. Man was to find his freedom within the state and by reason of his identity with it. Social freedom, through the state, was Hegel's ideal. He argued that man is necessarily a social being and finds the highest values of life in social existence and social relationships. Men do not, he insisted, value individual freedom as highly as has been supposed, in fact seldom really desire it; what they actually want is freedom in society, and this they can have only through the state. The state restrains and represses, but in so doing it enlarges the freedom of society as a whole and thereby enlarges the liberty of the individual. The state, according

¹ *Ibid.*

must be regarded as "the ethical whole and the actualization of freedom."¹

In bringing the sovereignty of the state to bear upon actual government Hegel worked out an interesting scheme of functional organization. The political state, he said, should be divided into three substantive branches—legislation, government, and constitutional monarchy. These were visualized not as actual units of organization, but as basic functions to be recognized in the practical shaping and adjustment of organization. Legislation was defined as the power to fix and establish the universal; government as the power which brings particular matters under the universal; constitutional monarchy as the medium through which legislation and government are brought into essential unity, and with which, through the representative character of the prince, rests the right of final decision.

Hegel's monarch was to be no autocrat, but a constitutional sovereign of most exalted position and function, the symbol and official embodiment of the unity and supremacy of the state. "It is easy," wrote Hegel, "for one to grasp the notion that the state is the self-determining and completely sovereign will, whose judgment is final. It is more difficult to apprehend this 'I will' as a person. By this it is not meant that the monarch can be wilful in his acts. Rather is he bound to the concrete content of the advice of his councillors, and, when the constitution is established, he has often nothing to do but sign his name. But this name is weighty. It is the summit over which nothing can climb."² The private life and character of the monarch were of no consequence as affecting his official function. Officially he represented the universality of the constitution and laws, the juncture of the particular and the universal, and the sovereign faculty of self-determination and final decision.

Hegel gave much attention to the organization of the legislative and executive departments of government. The legislature, he thought, should contain representatives of every important element of the community, particularly economic interests and classes. "The peculiar significance of classes or estates is this," he declared, "that through them the state enters into and begins to share in the subjective consciousness of the people."³ The landed class, in his opinion, had an especially significant rôle to play. It was the most

¹ *Ibid.*

² *Ibid.*, p. 192.

³ *Ibid.*, p. 199.

independent class in the community, secure against the uncertainties of trade, the fluctuations of property, the covetousness of commercialism, and the exigent pressures of political or economic dependency. Its ethical character was, he thought, entirely natural and therefore of the utmost value in the process of government.

The business of the executive, said Hegel, was to apply the universal to the particular, and it should be so constituted as to facilitate this duty. Perceiving the functional difference between those aspects of administration which have to do with questions of state policy and those of a merely operative or managerial nature, he advocated a centralized organization with a horizontal cleavage between superior and inferior officials. That these might work in harmony and the transition from universal to particular be efficiently and faithfully accomplished, he proposed that they be linked together by "middlemen, whose activity in connection with those below them must from the lowest to the highest executive officers take the form of a continuous concrete oversight."¹

Regardless of his belief in *Weltgeist*, or world-spirit, Hegel's ideas of international relations bordered upon anarchy. In the world of practical affairs there was nothing more absolute than the absoluteness of the state. "A state," he explained, "is not a private person, but in itself a completely independent totality. Hence, the relation of states to one another is not merely that of morality and private right. It is often desired that states should be regarded from the standpoint of private right and morality. But the position of private persons is such that they have over them a law court, which realizes what is intrinsically right. A relation between states ought also to be intrinsically right, and in mundane affairs that which is intrinsically right ought to have power. But as against the state there is no power to decide what is intrinsically right and to realize this decision. Hence, we must here remain by absolute command. States in their relation to one another are independent, and look upon the stipulations which they make with one another as provisional."²

Can there be, then, no morality in international relations? Hegel answered this question by distinguishing between the canons of ordinary morality and those which bind the state. It must be admitted, he contended, "that the commonweal has quite another

¹ *Ibid.*, p. 194.

² *Ibid.*, p. 202.

authority than the weal of the individual, and that the ethical substance or the state has directly its reality or right not in abstract but in a concrete existence. This existence, and not one of the many general thoughts held to be moral commands, must be the principle of its conduct. The view that politics in this assume opposition is presumptively in the wrong depends on a shallow notion both of morality and of the nature of the state in relation to morality.”¹ States and peoples were in his opinion merely unconscious tools and organs of the *Weltgeist*, and it was only in the final court of world history, therefore, that the morality of state action could be judged.

Quite as influential as his philosophy of the state has been Hegel's doctrine of historical necessity. Striving to find a logic that would avoid the fallacies which Hume had shown to exist in the common practice of assuming a rational relationship between cause and effect, Hegel seized upon the ancient idea of opposites or contradictions. Every event or force, he reasoned, tends to generate an opposing or contrary event or force. Between these opposites conflict ensues, and this conflict brings forth a new development which dissolves and displaces the preëxisting contradictions though it draws qualities from both. Then the new creation proceeds to raise its own contradiction, and thus the process goes on forever. In this logic, or dialectic, as he termed it, of thesis, antithesis, and synthesis (sometimes called affirmation, contradiction and solution), Hegel thought he had found the supreme law of history, the infallible key to the mystery of social evolution.

The course of history and the development of human institutions were, in Hegel's analysis, inexorably determined by this process of eternal change. Truth and reality were not to be found in particular phenomena, but in the path marked out by their reactions upon one another in the sequence of thesis, antithesis, and synthesis. Historical development was not, therefore, just a matter of chance; nor was it a thing consciously directed by human intelligence; it was in fact the necessary and logical result of an eternal interplay of forces following the threefold pattern of affirmation, contradiction, and solution. In this principle of development he perceived, as he thought, the final object of his search—an absolute union of nature and mind in which the ideal could be seen as embodied in the real.

¹ *Ibid.*, p. 204.

The most important factor in the actual operation of his law of development was none other than *Geist*, or spirit. "The mutations which history presents," said Hegel,

"have long been characterized in the general, as an advance to something better, more perfect. The changes that take place in Nature—how infinitely manifold soever they may be—exhibit only a perpetually self-repeating cycle. . . . Only in those changes which take place in the region of Spirit does anything new arise. This peculiarity in the world of mind has indicated in the case of man an altogether different destiny from that of merely natural objects . . . namely, a *real* capacity for change, and that for the better—an impulse of perfectibility. . . . The principle of Perfectibility indeed is almost as indefinite a term as mutability in general; it is without scope or goal, and has no standard by which to estimate the changes in question: the improved, more perfect, state of things towards which it professedly tends is altogether undetermined.

"The principle of *Development* involves also the existence of a latent germ of being—a capacity or potentiality striving to realize itself. This formal conception finds actual existence in Spirit; which has the History of the World for its theatre, its possession, and the sphere of its realization. It is not of such a nature as to be tossed to and fro amid the superficial play of accidents, but is rather the absolute arbiter of things; entirely unmoved by contingencies, which, indeed, it applies and manages for its own purposes. . . . So Spirit is only that which it attains by its own efforts; it makes itself actually what it always was potentially. . . . The realization of *its* Idea is mediated by consciousness and will. . . . Its expansion, therefore, does not present the harmless tranquillity of mere growth, as does that of organic life, but a stern reluctant working against itself."¹

IV

Doing battle in Europe to-day are two fiercely antagonistic political philosophies, Communism and Fascism. Both have drawn fundamental concepts from Hegel. The essential core of Marxist socialism is the dialectic of materialism which Karl Marx built upon the foundational ideology of Hegel that he had learned as student in the University of Berlin. It was an easy transition from the historical dialectic of Hegel to that of Marx. Hegel's formula of thesis, antithesis, and synthesis was precisely the tool that Marx needed. Hegel had found his contradictories in the realm of spirit but Marx read history differently. For him the principal assertion

¹ *The Philosophy of History*, pp. 54–55.

force in history was economic interest, the contradictions the clash of economic classes, and the solution or synthesis the victory of the proletariat culminating in the creation of a communistic or classless society.

Just as truly descended from Hegel is the mystical idealization of the state, which characterizes modern fascism. It was Hegel more than any other who revived the Greek idea of the state as the organized life of culture, and who claimed for the state not merely a distinct personality but a moral totality that gave it supremacy over all things human. It was Hegel who pressed home the argument that individual freedom can only exist in and through the state, that the state is absolutely rational, and that compliance with its will is man's truest and highest freedom.

It will be many years before the full influence of Hegel's political thought can be measured. His contribution, which would not have been of his own choosing, to the warring ideologies represented on the one side by Lenin and Stalin and on the other by Mussolini and Hitler, constitutes but one part of his significance, and is no more paradoxical than his influence in other directions. Both his views and his methodology have deeply affected the social sciences. His powerful reaction against the abstract and artificial approach to human nature and human institutions has done much to further the realization that social institutions are a natural growth and must be treated as such. At the same time, his attempt to interpret the social world, and especially the processes of history, in terms of *Geist* has engendered a resort to abstract ideology in the interpretation and writing of history. Divergent streams of thought have also flowed from Hegel's subordination of the whole of civil society to the state. Liberals, seeking an escape from the nihilistic individualism of *laissez faire*, have found in the Hegelian conception of the state a plausible basis for programs of reform carried on by state action. Conservatives, on the other hand, have found the same concept suitable to the support of their interest in the promotion of economic nationalism.

The ultimate importance of Hegel's political philosophy will be more clear when the transcendent nationalism of the early twentieth century shall have run its course; for to Hegel especially belongs the credit of providing nourishment for the ultra-nationalistic dogmas of the present time. His immediate purpose was to

clear away the intellectual obstacles to national unification in Germany, but he did vastly more. He wrote the creed by which nationalism, not alone in Germany but in every other land, could be elevated to the sphere of religion.

V

Like Hegel, Thomas Hill Green was a university professor and spent his entire life in academic circles. Green is sometimes described as a disciple of Hegel, but he did not so regard himself and did not follow Hegel in any sense save that some of his views were similar to those of Hegel. Green built on Kant rather than Hegel but fully shared Hegel's aversion to the empiricism of Hume.

Green was born at Birkin in the West Riding of Yorkshire on April 7, 1836. His father was a well-known clergyman in the Church of England. The son was educated at home until the age of fourteen and was then sent to Rugby, where he remained five years. In 1855 he entered Balliol College, Oxford, where he was destined to spend the remainder of his life. Neither at Rugby nor at Oxford was Green a preëminent scholar. The regular studies did not appeal to him any more than to Hegel, but he read widely and profitably in many fields. At Balliol he came under the influence of the great Benjamin Jowett and by this inspiring contact was fired to more definite and purposeful intellectual endeavors.

Green was elected a fellow of Balliol in 1860 and continued this tutorial capacity until 1878, when he was chosen as Wyke Professor of Moral Philosophy. In 1871 he married Miss Charlotte Symonds, a sister of John Addington Symonds, the noted critic and poet. Green's teaching at Oxford covered a wide range of subjects, including history, ethics, logic, metaphysics, education and the history of philosophy. He was not, however, just a cloistered pedagogue. He took an active part in public affairs, being for many years a member of the Oxford Town Council, a frequent campaigner for the Liberal Party, a member of several important commissions, and a prominent worker in the temperance movement. Green was stricken with blood poisoning in March, 1882, and died at the early age of forty-six. His most important works, *Principles of Political Philosophy* and *Lectures on the Principles of Political Obligation*, were not published until after his death, but his influence was already grown great through his teaching and public lectures,

was to become far greater as the character of his thinking became more widely known. Directly and indirectly, according to William Henry Fairbrother, author of *The Philosophy of Thomas Hill Green*, Green's teaching became the most potent philosophical influence in England during the last quarter of the nineteenth century.

Green represents a reaction, not only against eighteenth-century rationalism, but also against certain interpretations of nineteenth-century science. He was as much opposed to Spencer's evolutionism as to Hume's empiricism. He had no quarrel with science as such, and was not devoted to any species of transcendentalism; but he did insist with all the force at his command that, although man be viewed as a part of nature and his actions be regarded as natural phenomena, he cannot be fully understood when considered in that light alone. Green therefore attempted a complete reconsideration of man in relation to his environment, his point of departure being the basic postulate that the most conclusive fact differentiating man from other living things is self-consciousness.

Human experience, said Green, consists not simply of the organic processes of animal existence, but of those processes recognized as being such. Knowledge, he argued, is not merely consciousness reflecting experience, but the work of the mind affirmatively discriminating between truth and falsehood. This was true, he believed, because science had conclusively shown that the mind could distinguish between mere ideas and objective reality. For this reason he believed in the existence of an intelligible system of thought relations which might be termed ideal reality. To explain this phenomenon, Green was drawn into the realm of metaphysics, and postulated an eternal principle rendering all relations possible but determined by none of them—in other words, God.

Green's political thinking in a sense branched off the main line of his philosophical speculations at the point where this concept of ideal reality was perfected; in another sense, however, his political philosophy was the culmination of his whole system of thought. Continued employment of the faculty of apprehending ideal reality would and did, he contended, result in constantly better perception of human capacities, functions, and responsibilities, thus providing an ever-sounder basis for ethics. By making actual the ideals thus conceived, good would be realized in a constantly increasing measure. How were ideals to be made actual? By acts of will, an-

swered Green; by acts of will whereby men would identify themselves with certain motives or ideas of good.

But good in the ultimate and largest sense, said Green, could be realized only in a society of persons who, though preserving their individuality, discover that perfect good can be attained only if separate personalities are integrated as a social whole. Hence he concluded that social and political duties are a necessary part of the law of human existence, and that institutions of political and social life are the concrete embodiment of moral ideas in the terms of the day and generation in which they exist. The criterion by which to test and evaluate these institutions was very simple. Did they or did they not contribute to the development of moral character in the individual citizens? If they did, the basis of political obligation was clear beyond a doubt.

VI

Green's *Lectures on the Principles of Political Obligation* reveal an attempt to restate political theory in all its branches in the light of the foregoing concept of general will working toward rational moral ideals. "The value of the institutions of civil life," he stated at the outset, "lies in their operation as giving reality to these [moral] capacities of will and reason. In their general effect they render possible for a man to be freely determined by the idea of a possible satisfaction of himself, instead of being driven this way and that by external forces: and they enable him to realize his idea of self-perfection by acting as a member of a social organization in which each contributes to the better-being of all the rest. So far as they do in fact thus operate they are morally justified, and may be said to correspond to the 'law of nature,' the *jus naturae*, according to the only sense in which that phrase can be intelligibly used."¹

Therefore the state, as conceived by Green, was not a definite and concrete organization of final character, but an institutionalized expression of the general will actuated by a desire for the common good. Its fundamental basis was not coercive authority, but spiritual recognition by the citizens of what constitutes their better nature. Thus *will* but not *force* was the central principle of the state. This view is particularly emphasized in Green's a

¹ *Works of T. H. Green* (ed. by R. L. Nettleship, 3 vols., 1900), Vol. ii, pp. 33

sis of sovereignty. After a critical review of the various doctrines of sovereignty, Austin's in particular, he said, "That which determines this habitual obedience is a power residing in the common will and reason of men as determined by social relations, as interested in each other, as acting together for common ends. It is a power which this universal rational will exercises over the inclinations of the individual, and which only needs exceptionally to be backed by coercive force."¹

Then going on to consider the grounds of political subjection he added, "Morality and political subjection . . . have a common source. That common source is the rational recognition by certain human beings . . . of a common well-being which is their well-being, and which they conceive as their well-being whether at any moment one of them is inclined to it or no, and the embodiment of that recognition in rules by which the inclinations of the individuals are restrained, and a corresponding freedom of action for the attainment of well-being on the whole is secured."²

From this position Green proceeded to his socialized conception of rights. A right, he said, may be deemed to have a dual nature. On the one hand it may be regarded as the rational claim of an individual to the free exercise of some faculty, on the other as a concession of that claim by society and a power given the individual to put it into effect. But these two aspects of a right, though distinguishable, were not separable. "It is only a man's consciousness of having an object in common with others, a well-being which is consciously his in being theirs and theirs in being his,—only the fact that they are recognized by him and he by them as having this object,—that gives him the claim described. But a claim founded on such a common consciousness is already a claim conceded; already a claim to which reality is given by social recognition, and thus implicitly a right."³

What, then, of rights against the state? If a right is intrinsically nothing more than a socially approved freedom, can there be any rights which the state may not invade or any right to act against the will of the state? Green was prepared to maintain that so long as the state holds true to its moral nature and purpose, no rights against it can be admitted. "But though," he contended,

¹ *Ibid.*, p. 409.

² *Ibid.*, pp. 430-431.

³ *Ibid.*, p. 450.

“the state does not create rights, it may still be true to say that the members of the state derive their rights from the state. Every right is derived from some social relation. . . . The state is the complex of social relations out of which rights arise, so far as those rights have come to be regulated and harmonised according to a general law. . . . Nor can the citizen have any right against the state, in the sense of a right to act otherwise than as member of some society, the state being for its members the society of societies, the society in which all their claims upon each other are mutually adjusted. . . . What does the assertion that he can have no right to act otherwise than as a member of his state amount to? The only unqualified answer that can be given . . . is one that may seem too general to be of much practical use, viz. that so far as the laws anywhere or at any time in force fulfil the idea of a state, there can be no right to disobey them; or, that there can be no right to disobey the law of the state except in the interest of the state i.e., for the purpose of making the state in respect of its actual laws more completely correspond to what it is in tendency or idea, viz. the reconciler and sustainer of the rights that arise out of the social relation of men.”¹

Reserving to the individual the right of disobedience only when disobedience would serve to make the state be more nearly its idea self, as Green has done in the foregoing passage, leaves the ground for resistance very doubtful. Certainly no individual alone and no combination of individuals falling short of a majority would be likely to be conceded to have a stronger claim to judge as to what fulfills “the idea of a state” than those actually in power. But Green was no advocate of the leviathan state, no believer in the state as the march of God in the world; he was not even reconciled to the paternalistic state. “The true ground of objection to ‘paternal government,’” he informs us, “is not that it violates the ‘laissez faire’ principle and conceives that its office is to make people good but that it rests on a misconception of morality. The real function of government being to maintain conditions of life in which morality shall be possible, and morality consisting in the disinterested performance of self-imposed duties, ‘paternal government’ does its best to make it impossible by narrowing the room for the self-imposition of duties and for the play of disinterested motives.”²

Returning to this point again in his discussion of state interference, Green made it clear that what he sought and believed he had

¹ *Ibid.*, pp. 451–453.

² *Ibid.*, pp. 345–34

found was a principle by which political authority might be confined and directed to meliorative purposes and to those alone. These are his words:

"The capacity for rights, then, being a capacity for spontaneous action regulated by a conception of a common good, . . . is a capacity which cannot be generated—which on the contrary is neutralized—by any influences that interfere with the spontaneous action of social interests . . . For this reason the effectual action of the state, i.e., the community as acting through law, for the promotion of true citizenship seems necessarily to be confined to the removal of obstacles. Under this head, however, there may and should be included much that most states have hitherto neglected, and much that at first sight may have the appearance of an enforcement of moral duties, e.g., the requirements that parents have their children taught the elementary arts. . . . On the same principle the freedom of contract ought probably to be more restricted in certain directions than is at present the case. The freedom to do as they like on the part of one set of men may involve the ultimate disqualification of many others, or of a succeeding generation, for the exercise of rights." ¹

The same doctrine conditioned Green's view of property and property rights. "The rationale of property," he said, ". . . is that every one should be secured by society in the power of getting and keeping the means of realizing a will, which in possibility is will directed to social good." ²

VII.

The practical importance of Green's political thought emanates from the ideology represented in the foregoing excerpts from his writings. His work was done and his influence mainly felt at a time when liberal thought was shell-shocked by the barrage of deadly criticism that had wrecked the defenses of eighteenth-century rationalism. Confronted by the advancing ranks of Hegelian statism, utilitarian hedonism, Marxian socialism, and Spencerian individualism, liberalism stood helpless and confused. Green restored liberalism to respectable standing in the categories of political faith, and gave it a working theory that enabled it to function anew as a positive political principle. It is not putting the matter too strongly to say that Green's political philosophy has supplied much of the intellectual groundwork, at least in English-speaking

¹ *Ibid.*, pp. 514–515.

² *Ibid.*, p. 526.

countries, for old age pensions, unemployment insurance, workmen's compensation, factory regulation, and a vast amount of other social legislation which has marked the trend away from *laissez faire* since the middle of the nineteenth century. Green's influence was all the greater in that, while acknowledging the correctness of Hegel's view of the inseparability of the individual and the community, he idealized the state without deifying it and identifying it with absolute right.

Liberalism in the eighteenth century had been mainly concerned with the suppression of baneful state interference with individual liberty. Baneful private action in derogation of individual freedom presented a far more serious problem in the nineteenth century and for this problem the old liberalism had no solution. Bentham had rejected the old idealism and predicated state action upon social expediency measured by a calculation of individual pains and pleasures. Spencer had not only upheld the ruthless individualism of *laissez faire*, but had summoned biology to support the thesis that it was nature's only way of progress. Proletarian theorists, especially Marx, had countered ruthless individualism with an equally ruthless collectivism. It was the peculiar service of Thomas Hill Green to inject into this turbid conflux of ideologies a liberal political philosophy in which social expediency was the dominant principle, a philosophy in which the concept of social expediency was raised to an ideal by the insistence of its author that expediency be determined by the moral obligation of the state to create an environment favorable to the full realization of what is best in every individual. Thus was the principle of liberty revitalized and given a positive social meaning rather than a negative, and often anarcho-social, meaning. Thus also was the principle of obedience given a rational moral foundation, and the principle of collectivism directed to the ideal of individual good. Armed with this philosophy liberalism became once more a potent force. Utilitarianism and *laissez faire* individualism could not hold their ground against it, and authoritarian collectivism has found it a hardy foe.

The weakness in Green's philosophy of liberalism was that it could set no bounds to mark the limits of social authority mediated through the state. He gave moral sanction to the use of political power for social betterment as determined by individual well-being, but he failed to establish barriers which would preclude the use

state authority unguided by this ideal. His failure in this respect was probably inevitable; for it is difficult to see how he could have circumscribed the state's sphere of action without also limiting capacity to realize the ideal of social betterment. The same reasoning by which Green justified state interference and state control may be, and has been, appropriated for much more radical and sweeping programs of reform and reconstruction than he would have approved.

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CHAPTER XXIV
UTOPIA AGAIN

I

IT is a paradox truly reflecting the perennial inconsistency of the human mind that eras of lusty materialism have produced the most starkly realistic political thinking and also the most romantic political dreams. There seems to be an incorrigible dualism in human nature, which causes men to see not only what they see, but what they wish to see, as well. Wishful thinking being more stimulated by the thwarting than the fulfillment of desires, it very commonly happens that when civilization becomes most feverishly money-mad, altruistic minds take wing to the land of dreams. A Plato despairs of justice in the profit-snatching Athens of 4 B.C. and gives the world the pattern of an ideal republic ruled by philosopher kings. A More, revolted by the poverty and distress of the English masses under the grasping hand of Henry VIII, discovers the fictitious land of Utopia, where all things are held in common and every man is king.

The nineteenth century witnessed a notable resurgence of utopianism. Never in any previous period were more utopian programs put forward and more ardent converts made. Dozens of utopian books, both fictional and expository, became best sellers in the middle part of the nineteenth century, and several of these inspired active movements to realize the proposed scheme immediately. These are now but little remembered, for utopianism has gone out of style. One great service, however, they did perform. They showed that social reconstruction is too complex a problem to be solved by purely idealistic methods; that perfectionistic societies cannot be made to order, not even by the saints themselves.

But we should not, for this reason, undervalue the utopian vision of the nineteenth century. Fantastic they may have been, but they were not futile, nor as utterly foolish as they are often pictured. If they showed what is impracticable, they also revealed more sharply than ever before the boundaries of the practicable. If they ended as empty dreams, they nevertheless gave the world such ideals of justice and well-being as to cause multitudes of men to wish that

dreams might come true. If they demonstrated the folly of abstract socialism, they did not fail at the same time to sow broadcast the dragon's teeth of socialistic thought, from which in later years there sprang a militant host of socialist torchbearers who spread the gospel of collectivism to every corner of the earth.

Nineteenth-century utopian thought flourished mainly in France, England, and the United States. In this chapter we shall briefly examine the works of Robert Owen, Charles Fourier, and Étienne Cabet, undoubtedly the most influential utopian teachers and leaders of the nineteenth century.

II

An announcement that Henry Ford would found and finance communistic settlement in Central Africa would be no less sensational to-day than was the announcement in 1824 that Robert Owen was going to promote such an experiment in the wilds of Indiana. Like Henry Ford, Robert Owen was the best known industrialist of his time, and the possessor of a large fortune accumulated entirely through his own genius for business. Like Mr. Ford, Owen was an exponent of the high-wage theory and took a paternalistic interest in the welfare of his employees. Also like Mr. Ford, Owen was as unpredictable in his social and political ideas as in his business methods. Owen's Indiana adventure was an act of impulsive idealism on a par with the famous Ford Peace Ship which set sail for Europe in 1916 with the confident expectation of "getting the boys out of the trenches by Christmas," and it set many tongues wagging in as many different ways.

Robert Owen was a remarkable person. Born of impoverished parents in the Welsh village of Newtown, on May 14, 1771, he received almost no schooling and at the age of eleven was apprenticed to a London merchant. This was the beginning of a phenomenal business career. In a short time Owen had advanced to a responsible position with a Manchester firm and at the age of nineteen was employed by a man named Drinkwater to be superintendent of a spinning mill in Manchester. The contract was for three years, at the end of which time Owen, if he made good, was to be made a partner in the business. In the meantime Drinkwater got a chance to take in a very wealthy partner on most favorable terms, but Owen's contract stood in the way. Drinkwater offered

to buy Owen out, but Owen did not do business that way. He voluntarily canceled the contract and withdrew from the business.

In 1794, at the age of twenty-three, Owen with a group of partners started a textile factory of which he became the manager. This quickly developed into one of the foremost in the business and brought Owen both wealth and recognition as a business leader. The experiences incident to his rise to affluence and the difficulties of his daily business life had made Owen an eager student of social problems. He became profoundly convinced, among other things, that "Man's character is made for him, not by him," and hence that the improvement of environmental conditions was the key to the perfection of mankind both individually and socially. After trying some of his theories in a limited way in his own business, Owen sought an opportunity to experiment with a whole community. The cotton mill at New Lanark, Scotland, was offered for sale in 1799, and Owen found the situation much to his liking. The mill was the sole industry in a village of some 2,500 inhabitants, most of whom were either mill workers or tradesmen catering to the mill population. With a group of associates Owen purchased not only the mill but the village as well.

New Lanark, when Owen took it over, was a typical mill town—ugly, insanitary, and impoverished. The mill hands, including children from six years up, worked from six in the morning to seven in the evening. The wages of the factory workers were scarcely sufficient to keep body and soul together, and the village shopkeepers cheated and overcharged the wage-earner at every opportunity. Drunkenness and degradation were rife, and the death rate had reached epidemic proportions.

Owen proceeded to transform this social ulcer into a model community. He cleaned the village from end to end, built a new drainage system, constructed comfortable dwellings for the factory workers, and established a model school. He stopped the sale of alcoholic beverages in the village, and drove out all private merchants, setting up stores of his own in which goods were sold at cost. In the cotton mill he voluntarily reduced hours of labor and raised wages. Furthermore, he abolished the prevalent system of penalties for faulty work and announced that the mill would be operated on the Golden Rule.

Derision and condemnation were Owen's first reward for the:

altruistic innovations, even among his own employees. But he courageously stuck to his guns. When his partners balked, he bought them out and got new partners, and continued to do so until he got partners who would stay with him. Investments in the New Lanark mill were made with the understanding that all profits above 5% would be used for the benefit of the employees. In 1806 a severe test came. The Jefferson Embargo Act cut off the supply of American cotton, and practically every textile mill in England was forced to shut down. Mill owners simply closed their doors and turned their employees loose to shift for themselves. Millions of workers suffered extreme privation and not a few died of starvation. But Owen did not do business that way. He held fast to the Golden Rule. He had to close his mill like all the rest, but he retained every one of his employees and paid them full wages for the duration of the shutdown. Owen never had to ask his employees for coöperation after that. They rallied loyally to his support and were an important factor in making New Lanark a success.

The miracle which Owen had wrought at New Lanark—it seemed nothing short of that in the first decade of the nineteenth century—brought him international fame and influence. His advice was sought by statesmen and industrialists the world over. To expound his views he wrote, in 1813, a series of essays entitled *A New View of Society*. In these essays he told the story of New Lanark, explained what had been done and why, and set forth his ideas for the further betterment of industrial society. He proposed, among other things, an old age pension fund, a supervised recreation program, a community nursery for the care of children under school age, a common school for the education of all children in the elementary branches of knowledge, a community church, and a housing plan that would give each worker a comfortable home with a private garden.

In 1817, in response to the request of a parliamentary committee Owen prepared and submitted his remarkable *Report to the Committee for the Relief of the Manufacturing Poor*. In this prophetic document he analyzed the economic and social effects of machine production and proposed a plan to alleviate the poverty of the working classes. "The immediate cause of the present distress," said Owen,

"is the depreciation of human labour. This has been occasioned by the general introduction of mechanism into the manufactures of Europe

and America. . . . The introduction of mechanism into the manufacture of objects of desire in society reduced their price; the reduction of price increased the demand for them, and generally to so great an extent as to occasion more human labour to be employed after the introduction of machinery than had been employed before.”¹

Then, pointing out how this tendency was greatly accelerated by the boom incident to the Napoleonic wars, he continued:

“Now, however, new circumstances have arisen. The war demand for the productions of labour having ceased, markets could no longer be found for them; and the revenues of the world were inadequate to purchase that which a power so enormous in its effects did produce; a diminished demand consequently followed. When, therefore, it became necessary to contract the sources of supply, it soon proved that mechanical power was much cheaper than human labour; the former, in consequence, was continued at work, while the latter was superseded; an human labour may now be obtained at a price far less than is absolutely necessary for the subsistence of the individual in ordinary comfort.”²

One of three things, according to Owen, must result from this condition. First, things might be left as they were and millions of human beings consigned to whatever fate would come from starvation wages or no wages at all. That was unthinkable. Second, the use of machinery might be greatly diminished; but that as a practical measure seemed out of the question. Third, a plan might be devised to provide security for the working classes against the vicissitudes of machine production. This, said Owen, was the only sensible and practicable course to take, and he offered a plan which he believed would accomplish the desired result. The central feature of his plan was the establishment of coöperative villages in which the working population would be partly employed in industry and partly in agriculture. Each village would contain the average about 1,000 inhabitants and would occupy about 1,500 acres of land. The aim would be to render each a practically self-sufficient social unit. The farm lands, mills, and other productive properties would be held and worked in common. There would also be a common kitchen, common dining rooms, and appropriate buildings for dormitories. Adequate facilities for education, health, and recreation would of course be provided. All members of the community were to be employed according to sex, age,

¹ “Report to the Committee for the Relief of the Manufacturing Poor,” Part I of Owen’s *A New View of Society and Other Writings* (Everyman’s Library, 1927), pp. 150-151.

² *Ibid.*, pp. 159-160.

ability in the various occupations of farming, manufacturing, and managing the different establishments of the community. All would share in the prosperity of the community and none would be unemployed or in want. Owen went into great detail in preparing plans for the physical layout and equipment of the community and in estimating the cost of establishing such an enterprise.

Needless to say this communistic proposal was not cordially received by the parliamentary committee, nor was it hailed with enthusiasm by the general public. Regardless of the many practical objections which could be urged against it, nineteenth-century England was far from ready for sweeping social reconstruction of any sort. Owen's report was politely received and promptly embalmed in the official archives. Owen was bitterly disappointed. He conceived the belief that the opposition of the clergy and of orthodox religionists in general had militated against the approval of his plan, and he came out with a blast against religion as the enemy of social progress, which gained him the abiding ill-will of the churchly portion of society. This was unfortunate, but inevitable. Owen was a man of great ability who had done big things and believed he could do still bigger things. No man of his time had done more to promote practical Christianity, and the conservative attitude of professing Christians made him see red.

As disappointment accumulated in England, and especially after factory legislation that he had prepared at the request of Parliament had been so emasculated that he felt obliged to repudiate it, Owen turned his mind more and more to the possibilities of social reconstruction in the New World. The United States was young, its social institutions had not yet set to a fixed pattern, and there were millions of square miles of unoccupied territory where a new start could be made. Why not give America a concrete example of the better social order? It might change the whole history of the United States and profoundly influence the future course of the world. It was a thrilling possibility, and Owen, who was a man of action as well as a dreamer, did not hesitate long. In 1824 he purchased for \$150,000 a 30,000-acre tract of land in the new state of Indiana and announced the intention of founding there a settlement, to be called New Harmony, which would be conducted on communistic principles similar to his rejected plan for the relief of the industrial poor.

Owen had no intention of living at New Harmony himself, but he felt it his duty to go out and get the project properly started. The American public received him as a great popular hero and gave him a tremendous ovation. He was invited to speak in dozens of cities and great throngs turned out to hear him whenever he spoke. At the city of Washington he addressed a select audience, assembled in his honor in the Hall of Representatives, which included the President of the United States, the judges of the Supreme Court, and the members of the Senate and the House of Representatives. And his message to this august assemblage of notables? Just communism that was all.

The New Harmony settlement was duly inaugurated, and apparently under the most auspicious circumstances. Not planning to remain himself, Owen took pains to recruit the best people he could find to initiate the experiment. He issued a call for applications to join the colony and was soon flooded with volunteers. He picked a hundred of the best educated applicants, placed them under the leadership of a little group of brilliant scholars he had chosen as associates in the enterprise, and took them out to New Harmony with him. This was his first mistake. There was too much brains in the colony and not enough brawn; too many brilliant individualists and not enough plodding coöperators.

While Owen remained in the colony all went well, but as soon as he took his departure dissension appeared. The Brain Trust he left in charge split forty ways on everything. In two years they adopted seven different constitutions and finally asked Owen to return as dictator. When it came to agriculture and industry, on which the colony must depend for self-support, they had little to contribute and not much inclination to do what they could; when it came to education and religion, however, they were there with bells, and each bell rang a different tone. Religion caused the bitterest disputes. Believing in religious freedom, Owen had provided that preachers of all sects should be welcome to come to the colony and teach their doctrines and should be given free meals and lodging while there. Believing also in the free discussion of religion, he had further provided that this hospitality should be extended on condition: that at the end of the sermon any member of the congregation might have the privilege of asking and requiring the preacher to answer any question he might put. After a few exp

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and America. . . . The introduction of mechanism into the manufacture of objects of desire in society reduced their price; the reduction of price increased the demand for them, and generally to so great an extent as to occasion more human labour to be employed after the introduction of machinery than had been employed before.”¹

Then, pointing out how this tendency was greatly accelerated by the boom incident to the Napoleonic wars, he continued:

“Now, however, new circumstances have arisen. The war demand for the productions of labour having ceased, markets could no longer be found for them; and the revenues of the world were inadequate to purchase that which a power so enormous in its effects did produce; a diminished demand consequently followed. When, therefore, it became necessary to contract the sources of supply, it soon proved that mechanical power was much cheaper than human labour; the former, in consequence, was continued at work, while the latter was superseded; and human labour may now be obtained at a price far less than is absolutely necessary for the subsistence of the individual in ordinary comfort.”²

One of three things, according to Owen, must result from this condition. First, things might be left as they were and millions of human beings consigned to whatever fate would come from starvation wages or no wages at all. That was unthinkable. Second, the use of machinery might be greatly diminished; but that as a practical measure seemed out of the question. Third, a plan might be devised to provide security for the working classes against the vicissitudes of machine production. This, said Owen, was the only sensible and practicable course to take, and he offered a plan which he believed would accomplish the desired result. The central feature of his plan was the establishment of coöperative villages in which the working population would be partly employed in industry and partly in agriculture. Each village would contain on the average about 1,000 inhabitants and would occupy about 1,200 acres of land. The aim would be to render each a practically self-sufficient social unit. The farm lands, mills, and other productive properties would be held and worked in common. There would also be a common kitchen, common dining rooms, and appropriate buildings for dormitories. Adequate facilities for education, worship, and recreation would of course be provided. All members of the community were to be employed according to sex, age, and

¹ “Report to the Committee for the Relief of the Manufacturing Poor,” Part I, in Owen’s *A New View of Society and Other Writings* (Everyman’s Library, 1927), pp. 156–158.

² *Ibid.*, pp. 159–160.

ability in the various occupations of farming, manufacturing, and managing the different establishments of the community. All would share in the prosperity of the community and none would be unemployed or in want. Owen went into great detail in preparing plans for the physical layout and equipment of the community and in estimating the cost of establishing such an enterprise.

Needless to say this communistic proposal was not cordially received by the parliamentary committee, nor was it hailed with enthusiasm by the general public. Regardless of the many practical objections which could be urged against it, nineteenth-century England was far from ready for sweeping social reconstruction of any sort. Owen's report was politely received and promptly embalmed in the official archives. Owen was bitterly disappointed. He conceived the belief that the opposition of the clergy and of orthodox religionists in general had militated against the approval of his plan, and he came out with a blast against religion as the enemy of social progress, which gained him the abiding ill-will of the churchly portion of society. This was unfortunate, but inevitable. Owen was a man of great ability who had done big things and believed he could do still bigger things. No man of his time had done more to promote practical Christianity, and the conservative attitude of professing Christians made him see red.

As disappointment accumulated in England, and especially after factory legislation that he had prepared at the request of Parliament had been so emasculated that he felt obliged to repudiate it, Owen turned his mind more and more to the possibilities of social reconstruction in the New World. The United States was young, its social institutions had not yet set to a fixed pattern, and there were millions of square miles of unoccupied territory where a new start could be made. Why not give America a concrete example of the better social order? It might change the whole history of the United States and profoundly influence the future course of the world. It was a thrilling possibility, and Owen, who was a man of action as well as a dreamer, did not hesitate long. In 1824 he purchased for \$150,000 a 30,000-acre tract of land in the new state of Indiana, and announced the intention of founding there a settlement, to be called New Harmony, which would be conducted on communistic principles similar to his rejected plan for the relief of the industrial poor.

Owen had no intention of living at New Harmony himself, but he felt it his duty to go out and get the project properly started. The American public received him as a great popular hero and gave him a tremendous ovation. He was invited to speak in dozens of cities, and great throngs turned out to hear him whenever he spoke. At the city of Washington he addressed a select audience, assembled in his honor in the Hall of Representatives, which included the President of the United States, the judges of the Supreme Court, and the members of the Senate and the House of Representatives. And his message to this august assemblage of notables? Just communism, that was all.

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which would eliminate the evils of the social struggle. The great error in men's thinking about human character and behavior, Owen held, was the doctrine of free will preached by philosophers and the corollary doctrine of individual sin preached by Christian theologians. This was the basis of his hostility to all forms of Christianity and his endeavor to propagate a new religion which would recognize his fundamental thesis that society makes men what they are. His interest in communism lay in his belief that it would inculcate the lessons of harmony and coöperation necessary to the development of a sound social system.

III

Charles Fourier (1772-1837) was the son of a wealthy French merchant whose fortune was lost in the Revolution. To gain a livelihood Charles had to spend most of his life in the humble occupations of shop clerk and traveling salesman. Keened to social problems by the circumstances to which he had been reduced, he devoted every spare moment to social studies and writings. Gradually he produced a number of writings that gained attention, and by 1815 he had won a group of enthusiastic disciples who disseminated his ideas throughout the world.

Fourier's criticisms of the existing order of society as well as his proposals for social reconstruction, unlike those of most utopians, were not based upon ethical or humanitarian considerations. He was little moved by the sufferings of the poor or the injustices of unequal wealth. What *did* shock him to smoking indignation was the disorder and wastefulness of the competitive system. The exploitation of the underprivileged was too bad, but the waste of labor, materials, money, time—those were atrocious, damnable, and ought to be corrected. So Fourier became an evangel of order, efficiency, and economy in societal processes.

The central principle of God's universe, he reasoned, was harmony and order, and consequently there must be orderly and harmonious connections between all existing things, including mankind. God had created man and endowed him with certain instincts and passions which he was intended to exercise. These, according to Fourier's classification, were reducible to twelve fundamental senses and passions, as follows: sight, hearing, smell, taste, touch, friendship, love, ambition, paternity, emulation, alternat-

ing, composite. In existing society these could not be exercised in the orderly manner intended by the Creator, but in a properly organized society they could.

Thus assuming human nature to be a fixed and unvariable thing, and that he had laid bare its elemental composition, Fourier proceeded to evolve a plan for reorganizing society to fit human nature. The cardinal idea of this plan was a basic social unit composed of persons voluntarily bound together by like sympathies and tastes and desiring to be united in the pursuit of some particular branch of art, science, or industry. This unit, to be known as a group, would consist of at least seven persons entirely harmonized by the identity of their tastes and interests. Larger groups, for the sake of greater harmony and order, might be divided into sub-groups known as wings. A group might have three wings—the center and two extremes. The extremes would represent opposing poles of tendency within the group, but would be held in harmonious union by the center, which would represent a middle tendency and would be the most numerous wing.

It was Fourier's idea, however, that groups would be kept relatively small and the larger structures of society formed by linking groups together on the same principle of homogeneity followed in the formation of groups. Five or more groups thus joined together would constitute what Fourier called a series, and a union of series reaching a total of about 2,000 persons would result in what he styled a phalanx. The phalanx would be the largest unit of social organization, sufficiently large and diversified to be economically self-sustaining and to afford each member ample opportunity to exercise his inclinations and talents, yet small enough to preserve the compactness and harmony essential to order and efficiency. In other words, it would be a complete and perfect community.

Each phalanx, according to Fourier's specifications, would occupy about 5,000 acres of land—enough, supposedly, to provide most of the necessities for its agricultural and industrial activity. The members would dwell in a vast edifice called the palace or phalanstery, which would provide appropriate residential quarters, council rooms, libraries, workshops, storerooms, dining halls, and what not for the various series and groups. Division of labor according to aptitude and ability would be the rule for all. Food would be prepared in common kitchens by those best fitted for culinary work,

and would be served in common dining halls by those best adapted to that line of work. Buying would be done coöperatively, the most skilled buyers acting for the entire community. Farming and industrial operations would be carried on in the same manner. Equal education would be provided for all, but children would be studied to discover their special talents and each would be given the kind of education suited to his particular needs. Everything possible would be done to make life agreeable and satisfying for all. The buildings would be artistically and efficiently designed, the grounds beautifully landscaped, and the gardens and fields admirably planned and cultivated. For every taste appropriate satisfactions would be found—art, music, literature, philosophy, as well as less refined gratifications for those not up to the higher culture.

As conceived by Fourier, the phalanx was not truly communistic. The property was held by the phalanx as a corporate body in which the members held stock, but membership could be acquired without owning stock. Careful accounts were to be kept with every member, and at the end of each year he would be paid his share of the profits. The general basis of apportionment was to be four-twelfths to capital, five-twelfths to labor, and three-twelfths to talent or special skill.

Fourier died in 1837, before his ideas had gained great momentum; but a zealous band of disciples took them up and spread them throughout the world. Looking backward upon Fourierism, it is difficult to understand the appeal of this obviously artificial and un-earthly scheme to rational minds. But the fact remains, nevertheless, that thousands of intelligent people, including some of the foremost minds of the century, were persuaded that Fourierism was not only practicable, but practicable right now. Fourier converts were not content merely to preach the doctrines of their master; they must straightway put them into practice. A number of phalanxes were founded in France, and some of these developed into strong coöperative societies which still survive. It was in the United States, however, that Fourierism had its real splurge. On the American side of the Atlantic were millions of acres of cheap or free land, vast empires awaiting settlement, and plenty of people eager to try any new venture in colonization.

The Fourier cult was introduced in the United States by Albert Brisbane (father of the renowned Hearst editor, Arthur Brisbane).

The son of a well-to-do landowner, Brisbane was sent to Europe to finish his education and there, in 1832, came under the influence of Fourier. Returning to his native land, Brisbane immediately put his hand to the plow of propaganda and soon had an interested audience. In 1840 he published a book entitled *The Social Destiny of Man*, which was a very concise and readable summary of Fourier's teachings and made a great impression. One of the earliest converts was Horace Greeley, who became an ardent supporter of the movement and threw the influence of his potent New York *Tribune* behind it. Parke Godwin, editor of the New York *Evening Post* and son-in-law of William Cullen Bryant, was another early convert whose personal prestige and editorial support aided materially in getting the Fourier movement into high gear. In a short time a remarkable group of distinguished Americans, including James Russell Lowell, Henry James, Theodore Parker, Thomas Wentworth Higginson, William E. Channing, and Charles A. Dana, had been drawn into the fold. Under their leadership Fourierist societies were organized in New York, Massachusetts, Pennsylvania, New Jersey, Ohio, Illinois, Indiana, Wisconsin, and Michigan. The purpose of these societies was not merely to popularize the Fourier gospel but also to aid in the planting of coöperative colonies on the phalanx plan. At least thirty-three Fourier colonies are known to have been established in different parts of the Union, and there may have been more. Three of these Fourier experiments---the North American Phalanx at Red Bank, New Jersey, the Brook Farm at West Roxbury, Massachusetts, and the Wisconsin Phalanx or Ceresco Colony near Fond du Lac, Wisconsin---were sufficiently notable to command widespread attention and engender much debate.

The Red Bank colony was organized by residents of New York City and Albany with the advice and assistance of Brisbane, Greeley, and Godwin. About ninety settlers took possession of the property in September, 1843, built a large mansion or palace, and established a grist mill and other small industries. Fourier's principles were followed quite literally, and the community seems to have enjoyed moderate prosperity. Farming was the principal occupation of the members. No friction appears to have arisen, but there was a slow decline of enthusiasm and conviction as the substantial profits which had been expected were gradually found to be unrealizable.

In September, 1854, the mill was destroyed by fire. Greeley offered to rebuild it, but Fourierism was by this time on the wane throughout the country and the Red Bank colonists decided to call it quits.

The Brook Farm was founded in 1841 by a Unitarian clergyman named George Ripley, who enlisted the coöperation of a number of Transcendentalist writers and thinkers including Ralph Waldo Emerson, Nathaniel Hawthorne, Theodore Parker, Bronson Alcott, Charles A. Dana, William E. Channing, Margaret Fuller, and John S. Dwight. The colony was not originally established on Fourierist principles, but was reorganized on that basis in 1844. About 200 acres of land were acquired and about seventy members took up residence in the colony, among them Hawthorne, Dana, and Dwight. Other celebrated members were frequent visitors. The colony never reached a self-supporting basis, though it seems to have been approaching that condition in 1846 when a disastrous fire ruined the newly built phalanstery. Money could not be raised to rebuild this indispensable structure, and it was decided to disband. On the social and cultural side the Brook Farm experiment seems to have been satisfying to the members, and was so attractive to outsiders that hundreds of applications for admission had to be turned down.

From the economic standpoint the Ceresco experiment was probably the most successful of all the Fourierist colonies. It was founded in 1844 under the leadership of a man named Warren Chace. Beginning with twenty settlers, the number was increased to a maximum of 180. The colony was strictly agricultural, and cultivated about 700 acres of land. Genuine material prosperity was achieved, but the social and intellectual life of the community remained quite sterile. One constant bone of contention split the community into factions. This was whether the members should reside in isolated households or in a common mansion. When the question was put to vote the separate household faction lost but refused to give in. By mutual agreement the colony was dissolved in 1850.

Fourierism had passed its meridian by 1850. Fourier's utopia was non-political, and was to be gained by voluntary coöperation within existing political structures, which would be dissolved only when the phalanx had generally superseded previous social units. Fourier did not contemplate the survival of the political state. General acceptance of the phalanx was expected to dissolve the state and place the management of all common concerns in these voluntary associa-

tions. This was sailing close to anarchism, though Fourier can be classified as an anarchist no more than as a communist. He was essentially a coöperationist, rejecting both paternalism and individualism. More justly perhaps than any other man is he entitled to be called the father of the modern coöperative movement. Despite the fact that he was neither an anarchist nor a communist, and indeed not strictly a socialist, certain of Fourier's ideas have been of enormous service to all opponents of capitalist society. His cogent criticism of the inefficiency and wastefulness of competitive capitalism has become one of the major counts in the socialist indictment of *laissez faire*. His vision of the possibility of labor not for profit but for love of the job has likewise become one of the cardinal tenets of socialist doctrine. And his arraignment of the marriage system of capitalist society has given socialist thinkers one of their most provocative arguments against the existing order.

IV

Less original in thought than Fourier, but more appealing to the proletarian mind, was his compatriot and near-contemporary, Étienne Cabet (1788–1856). Cabet, who was educated both in law and medicine, took an active part in the Revolution of 1830 and in recognition of these services was appointed attorney general for Corsica. In that position he soon proved too radical for the government of Louis Philippe and was removed from office. He was then elected to represent his native city of Dijon in the Chamber of Deputies and founded a radical newspaper called *Populaire*. From his seat in the Chamber and through his newspaper, which had a wide circulation among the lower classes, Cabet attacked the government so violently that he was promptly exiled from France. He took refuge in England, where he came under the influence of Robert Owen and was converted to communism. While in exile he wrote the book which made him internationally famous. It was a utopian romance entitled *Voyage to Icaria*. With highly empurpled diction, in the sentimental style of the romantic tradition, it told the story of a young English nobleman who had discovered the far-away land of Icaria where perfection had its home.

Closely following the pattern set by More's *Utopia*, Cabet scathingly denounced the evils of the existing social system and painted a lovely picture of the contrasting beneficence of Icarian society.

In Icaria everything except the family was nationalized and regulated by a benign and unerring government. The right of inheritance was abolished; national workshops replaced private factories; national agricultural colonies supplanted private farming; wages were regulated by the state; a progressive income tax was levied. Appearing at a time of great social unrest, Cabet's novel instantly became the book of the hour, and he returned to France the acknowledged leader of the French proletariat.

In 1847 Cabet issued an invitation to the working people of France to join him in an actual voyage to Icaria. He proposed to acquire land and found an Icarian settlement somewhere on the American continent. The response was enormous, and Cabet hastened to London to consult with Robert Owen whose previous experience in utopian colonization was highly regarded. Owen advised Cabet to try Texas, which had just been admitted to the Union and was making lavish offers of land to attract immigration. Cabet succeeded in negotiating with a Texas land company for a gift of a million acres of land provided the colony took possession before July 1, 1848. With a vanguard of 68 persons he sailed for Texas on February 3, 1848, and reached New Orleans early in March.

Upon reaching Texas the little company of Icarians began to discover things about the land game as played in nineteenth-century America. The tract allotted to them was set in a trackless wilderness 250 miles from the nearest settlement. They had been given a million acres all right, but not in a solid block. To spread the settlement so its remaining holdings could be sold at a profit, the company had given the Icarians alternate half-sections. Moreover, the contract required the colonists to erect a number of buildings which the remoteness of the site and the dispersion of their holdings made utterly impossible before the terminal date of July 1. With the courage of desperation, however, they decided to make the attempt. After surmounting terrible hardships, they took possession of a small portion of the promised estate, built a few cabins, and started plowing. But before they could make any headway an epidemic of malarial fever laid the whole community low. Thwarted by man, paralyzed by disease, and threatened with starvation, the colonists decided to return to New Orleans for the winter. At New Orleans they were joined by some 500 new associates who had followed the advance guard in accordance with Cabet's arrange-

ments. In a short time their funds ran low and there was a hot dispute as to their future course of action. About half of the members decided they had had enough and withdrew from the enterprise. The remainder decided to go to Nauvoo, Illinois, where there was a chance to take over the lately abandoned property of the Mormons.

Driven out of Nauvoo by persecution, the Mormons had left a large tract of well-cultivated land with excellent buildings, including a mill and a distillery. The Icarian colony arrived on the scene in March, 1849, and leased about 800 acres of land. For several years prosperity smiled upon them and they were able to purchase the property and make many improvements. Communistic principles were followed except in the matter of family residence, but there was a common dining hall where all took their meals. A good school was established, and a number of successful industries were carried on in addition to farming. The colony published its own newspaper, and had a very respectable library. During this phase the life proved sufficiently pleasant to attract a good many recruits.

There was trouble to come, however, over the age-old question of government. The constitution of the colony provided that its affairs should be administered by a president and five directors elected by the members, but the acts of this executive board were subject to approval or disapproval by the general assembly. Cabet was regularly elected president and for a long time exercised his powers to the satisfaction of all. But Cabet was 61 years old when the colony took possession at Nauvoo, and in a few years he began to display some of the infirmities of old age. His increasingly arbitrary, inflexible, and intolerant disposition split the community into pro- and anti-Cabet factions, and in 1856 there was a rupture which ended in the expulsion of Cabet and his followers from the Nauvoo colony. Cabet died of apoplexy almost immediately thereafter. The loyal Cabetians migrated to St. Louis, where they acquired a small tract of land and got along very well for a while. Finally, however, a dispute arose over the question of dictatorial versus democratic government, and in 1864 the colony was voluntarily dissolved.

The Nauvoo settlement began to disintegrate immediately after the expulsion of Cabet. Many felt that more land than could be had at Nauvoo was necessary to meet the future needs of the colony, and a large group of these dissenters removed to a location in Iowa

about thirty miles up the Missouri River, where they acquired a tract of 3,000 acres. There they had to face pioneer conditions almost as adverse as those encountered in Texas. By sacrifice and hard labor they managed to pay off their debts and build up a prosperous colony. In this they were greatly aided by the good markets created by the Civil War and the building of railroads into their vicinity. Prosperity brought dissension in a new form. The older generation which had fought and won the battle against the wilderness was determined to use the growing profits of the colony for material expansion and improvements; but the younger generation, which had grown up in relative ease and had absorbed a lot of the philosophy of Karl Marx, wanted to spend money on socialist propaganda and various other fantastic schemes. Being outvoted by their elders, the "new dealers" went to law over the matter in 1878. They were able to prove in court that the charter of the colony had been violated, and secured an order of dissolution. The victorious party remained in possession of the property and reorganized the colony. But they were unable to make it prosper and soon sold out and moved to a farm near Cloverdale, California, where they remained until 1887 when the community was voluntarily dissolved. The older crowd formed a new colony in Iowa, which lasted until 1895, by which time, through death and withdrawals, the number had become too small to continue.

Thus faded into the twilight of forgotten dreams another noble expedition to the Land of Heart's Desire.

V

The utopian ventures of Owen, Fourier, and Cabet represent the most noteworthy, but by no means the most numerous, of nineteenth-century communistic experiments. The total runs into hundreds, if not thousands. The shock of nineteenth-century industrialism caused a world-wide revulsion against the competitive system, and multitudes sought escape from the crushing realities of a deranged and dissolving social system. On a smaller scale it was a repetition of what had happened in the sixth century when the disorder and insecurity attending the break-up of the classical civilization drove multitudes to the cloistered refuge of monasteries and nunneries.

The communistic settlements of the nineteenth century were of

two general types—religious and non-religious. Colonies of both types were attempted in every part of the western world, but mostly in the United States where there was an abundance of land to be had on easy terms. The religious colonies, as for example those of the Shakers, the Amanites, the Zoarites, the Mennonites, and the Perfectionists, were as a rule more durable and successful than the non-religious colonies. They had greater unity, and their economic doctrines were sustained by a religious sanction. With a few minor exceptions, however, they all gradually disintegrated, and for substantially the same reasons which caused the failure of the non-religious communities.

Business ability sufficient to compete on even terms with surrounding capitalistic institutions was almost invariably lacking. Sooner or later mismanagement entered the picture, bringing financial difficulties from which they could not extricate themselves. Dissension crept in despite all educational, probationary, and religious safeguards. In the colonies which lasted long enough for children to grow up the younger generation proved a baffling problem. Even when reconciled to the communistic system, the young people often revolted against the particular communistic creed of their elders; and in a good many cases they bitterly resented the communistic life which set them apart from the rest of mankind and got out of the colony as soon as they were able. Nor could these communistic settlements be free to conduct their affairs without regard to the rest of the world. They were set down in the midst of a capitalistic society whose impact they could not escape. Unable to be wholly self-sufficient, they had to buy and sell on the outside; had to use money and credit; had to be chartered by the government, obey its general laws, and assume the same burdens of taxation as individual owners of property.

So it came to pass that the Brave New World which these many pilgrims set out to find was shown to be an imaginary world peopled only by beings wrought from the dreams of poets and seers.

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CHAPTER XXV
HISTORICAL JURISTS

I

JURISTS are seldom ranked among the demigods of political thought. Some political theorists have leaned heavily upon the work of juristic thinkers, but they are relatively few in number. On the part of the great majority of political savants, a sort of cousinly recognition of the juristic scholar has been the chief evidence of awareness of the significance of juristic thought. It is true that jurists have been principally occupied with inquiries of a legally technical nature, which, consequently, have been largely foreign to the non-legal mind; but it is equally true that the main streams of juridical thought have very commonly carried deposits of great importance to political theory. Law and government go arm in arm, and no philosophy of government can safely ignore the question of the fundamental nature of law and of the authority behind it.

Of the great central problems of political thought, none is more vital than sovereignty. It is possible, as many have done, to adopt a concept of sovereignty and then to explain law in terms of sovereignty. But it is preferable, and usually more fruitful scientifically, to explore the underlying nature of law and then consider sovereignty in terms of law. It is when the political thinker takes the latter approach that he finds indispensable aid in the labors of juristic scholarship.

The nineteenth century was congenial to legal scholarship, especially to legal scholarship using the historical method of inquiry. The rise, in the nineteenth century, of great libraries, museums, and universities with vast collections of source material provided better facilities for historico-legal research than had ever existed before. Moreover, nineteenth-century historical and legal scholarship was deeply impregnated with the scientific spirit, a heritage from the former century that was greatly activated by the astounding advances of science as the new century rolled on. The besetting vice of historians and jurists in the past had been special pleading—writing history and fashioning jurisprudence to prove a case or sustain a cause. Nineteenth-century jurists did not wholly escape this agree-

able temptation, but a larger number than ever before caught the lofty spirit of Bodin and Montesquieu, and devoted themselves primarily to the quest for juridical truth.

The choicest fruits of nineteenth-century legal scholarship ripened in Germany and England. A galaxy of great names in the story of jurisprudence could be compiled from the distinguished figures in legal scholarship in these two countries alone. The list would include Hugo, Savigny, Ranke, Bluntschli, Jhering, Jellinek, Gierke, Maine, Maitland, Dicey, and many more; all of whom made important contributions to both legal and political thought. We choose for special consideration here the two whose influence upon political thought seems to have been the most direct and extensive—Friedrich Karl von Savigny and Sir Henry James Sumner Maine.

II

Born at Frankfort on February 21, 1779, Savigny was the scion of an ancient and noble family. He was left an orphan at the age of thirteen, but was carefully reared by a guardian. In 1795 he entered the University of Marburg, where he studied law and jurisprudence under Bauer and Weiss, two of the most eminent legal scholars of the day. As was then the custom among German students, he left his own university for a period of "visitation," as the modern expression terms it, at other universities. During this time he attended classes at Jena, Leipzig, and Halle. He returned to Marburg, took his doctor's degree in 1800, and thereupon was appointed a *Privatdozent*. His chief subjects were criminal law and the *Pandects*.

In 1803 Savigny published his first book, *The Right of Possession*. This work was instantly hailed as a masterpiece, and Savigny's reputation was made. *The Right of Possession* marked the end of the old, uncritical study of Roman law, and is still regarded as one of the great landmarks in the history of jurisprudence. Savigny married in 1804 and set out on a long tour of Germany and France in which he combined honeymooning with an exhaustive search for new sources of information on Roman law. In 1808 he was appointed professor of Roman law at Landshut, and in 1810 he was called to the chair of Roman law at the University of Berlin. The remainder of his life was given over to teaching, research, writing, and public

service. While a professor at Berlin, Savigny served as a member of the commission for organizing the Prussian provincial estates, a member of the department of justice in the Staatsrath, and a member of the supreme court of appeals for the Rhine Provinces. In 1842 he resigned his professorship in order to accept the post of High Chancellor of Prussia, the highest office in the Prussian judicial system. He held this position until 1848, when he retired in order to devote himself exclusively to the study of jurisprudence. He did not resume his teaching, preferring to give his energies entirely to research and writing. Savigny died at Berlin on October 25, 1861.

Savigny's most important writings in addition to his first book are: *Of the Vocation of Our Age for Legislation and Jurisprudence* (1814), *History of Roman Law in the Middle Ages* (1815-1831), *System of Contemporary Roman Law* (1840-1849), and *Contracts* (1853).

III

In relation to political thought Savigny's most influential work was *Of the Vocation of Our Age for Legislation and Jurisprudence*. This was a protest against the teachings of Bentham and many of the French jurists, who treated law as something arbitrarily imposed regardless of the culture and history of a people, and was directed in particular against the codification cult on the one hand and the natural law school on the other. Savigny insisted that the only true key to the understanding of law was the historical study of actual law, taking careful account of its organic growth and development.

Savigny denied that his own or any other age had any peculiar or exceptional "vocation" for lawmaking. The people of every age, he declared, find themselves encompassed and hemmed in by an immense mass of legal rules and ideas which seem to be largely irrational, inappropriate, and unjust. Dissatisfied, they would like to apply the dissecting knife to the existing system and revise it to conform with some arbitrary pattern of utility, reason, or something else.

"People . . . think," he remarked, "to annihilate it, by severing all historical associations, and beginning an entirely new life. But such an undertaking would be built on a delusion. For it is impossible to annihilate the impressions and modes of thought of the jurists now living,—impossible to change completely the nature of existing legal relations; and on this twofold impossibility rests the indissoluble organic connec-

tion of generations and ages; between which, development only, not absolute end and absolute beginning, is conceivable. There is no mode of avoiding this overruling influence of the existing matter; it will be injurious to us so long as we ignorantly submit to it; but beneficial, if we oppose to it a vivid creative energy,—obtain the mastery over it by a thorough grounding in history, and thus appropriate to ourselves the whole intellectual wealth of preceding generations.”¹

The task of each generation, said Savigny, is to perfect itself in historical knowledge and realistic understanding of the origin and development of law and legal institutions, and then to apply this knowledge and understanding intelligently in the reconstruction of the existing legal system. He did not object to new laws or entirely new systems of law, but believed that the quick-repair method of codification, by its ignorance and neglect of the historical and social roots of law, would do more harm than good; and that the abstract dogmas of the natural law would lead to results as bad or worse. “We meet with people daily,” he wrote, “who hold their juridical notions and opinions to be the offspring of pure reason, for no earthly reason but because they are ignorant of their origin. When we lose sight of our individual connection with the great entirety of the world and its history, we necessarily see our thoughts in a false light of universality and originality. There is only the historical sense to protect us against this, to turn which upon ourselves is indeed the most difficult of applications.”¹

In Savigny’s opinion the earliest beginnings of law might never be discovered, but there was ample evidence in history that the legal institutions of a people attain a fixed character in the same way as their language, manners, and social systems. He was very fond of the analogy between law and language, and argued that the formal rules and processes of law take shape like the grammar of a language. “For law, as for language,” he said, “there is no moment of absolute cessation; it is subject to the same movement and development as every other popular tendency; and this very development remains under the same law of inward necessity, as in its earliest stages. Law grows with the growth, strengthens with the strength of the people, and finally dies away as the nation loses its nationality.”²

This conception of law, instead of simplifying the problem,

¹ *Of the Vocation of Our Time for Legislation and Jurisprudence* (Hayward trans., 1831), Sec. viii.

² *Ibid.*, Sec. ii.

greatly complicated it, a fact which Savigny clearly perceived and admitted. The ultimate source of law, he maintained, was "the common consciousness of the people." This concept was easy to defend when only general principles of law were considered, but with regard to the multitudinous details of the legal fabric it was obviously inadequate. Savigny recognized this and had a most persuasive way of reconciling it with his doctrine of common consciousness as the source of law. In the earlier stages of civilization, he explained, law exists only in the consciousness of the community, but as civilization grows in complexity,

"What otherwise would have remained common, becomes appropriated to particular classes; the jurists become more and more a distinct class of the kind; law perfects its language, takes a scientific direction, and, as formerly it existed in the consciousness of the community, it now devolves upon the jurists, who thus, in this department, represent the community. Law is henceforth more artificial and complex, since it has a twofold life; first, as part of the aggregate existence of the community, which it does not cease to be; and, secondly, as a distinct branch of knowledge in the hands of the jurists. All the latter phenomena are explicable by the co-operation of those two principles of existence; and it may now be understood, how even the whole of that immense mass of detail might arise from organic causes, without any exertion of arbitrary will or intention. For the sake of brevity, we call, technically speaking, the connection of law with the general existence of the people—the political element; and the distinct scientific existence of law—the technical element."¹

Legislation or codification that did not understand and respect these two basic factors in the formation of law, did not intelligently and scientifically accommodate itself to them, was, in Savigny's opinion, almost certain to have baneful results. Alterations of existing law influenced primarily by high reasons of state were almost invariably bad, he said, because of the displacement of really communal rules by arbitrary, artificial, and nearly always unsuitable enactments. But alterations to amplify, clarify, and define the existing law were different. "Here a kind of legislation may be introduced, which comes to the aid of custom, removes . . . doubts and uncertainties, and thus brings to light, and keeps pure, the real law, the proper will of the people."²

Savigny's jurisprudence had a definite and powerful influence

¹ *Ibid.*

² *Ibid.*, Sec. iii.

upon nineteenth-century political thought. "His evolutionary manifesto," said Professor G. P. Gooch, "popularised the conception of organic development, emphasised the continuity of history, and shifted attention from the play of events on the surface to the underlying moral and intellectual influences and the abiding institutions of national life."¹ In the opinion of the same writer, however, Savigny was hostile to political liberty and "blind to the immense practical utility of occasionally sweeping away legal rubbish, of simplifying, defining, and coördinating."¹

If Savigny's gradualism left no room for the rapid readjustment and deliberate advancement necessitated by a hastening industrial civilization, it may be stated nevertheless that his historical philosophy and his view of the function of the courts and jurists in discovering and declaring law strengthened the authority of judge-made law everywhere. In the latter part of the nineteenth century a younger and less dogmatic school of historical jurists challenged Savigny's uncompromising conservatism and gave more attention to the processes whereby law may be adapted to changing social needs. Savigny's conservatism was based in large degree upon his idea of law as the peculiar product of the national soul. This idea still flourishes, being a salient doctrine of the ultra-nationalistic creeds of recent times, specially exemplified in the legal ideas of nationalism.

IV

The career of Sir Henry Maine was parallel in some ways to that of Savigny. Maine was born on August 15, 1822, of a substantial English family; received a good preparatory education; and was entered in Pembroke College, Cambridge, in 1840. He was a brilliant classical scholar and won many honors and prizes at the university. Upon graduation in 1844 he became a tutor in Trinity Hall, another of the famous colleges of Cambridge. After three years he was appointed regius professor of civil law and held this chair until 1854.

Maine was called to the bar in 1850, and in 1852 was asked by the Inns of Court to serve as one of a staff of lecturers offering instruction to candidates for the bar. The lectures delivered in this capacity provided the basis for Maine's book *Ancient Law*, which

¹"The Growth of Historical Science" in *The Cambridge Modern History*, Vol. xii (1910), p. 819.

was published in 1861. This book established Maine as one of the foremost legal scholars of the time, and is still his best known and possibly his most influential treatise.

In 1862 Maine was asked to serve as a member of the Viceroy's Council in India, but refused. The offer was renewed the following year and this time was accepted. Maine remained in India until 1869 and profited much from the experience. His regular judicial duties provided abundant material for his legal studies, and in addition he engaged in extensive research in the legal institutions of India and accumulated a store of knowledge which enriched his later writings. Upon his return from India Maine was knighted and made a member of the council of the Secretary of State for India.

Maine was appointed to the chair of historical and comparative jurisprudence in Corpus Christi College, Oxford, in 1869. He continued in this position until 1877, when he was elected master of Trinity Hall, Cambridge. In 1887 Maine was appointed Whewell Professor of International Law at Cambridge, but held the position only a year. He died in 1888.

Sir Henry Maine was a prolific writer. His best known works are *Ancient Law* (1861), *Village Communities in the East and the West* (1871), *Early History of Institutions* (1875), *Early Law and Custom* (1883), *Popular Government* (1885), and *International Law* (1888). His *Popular Government* caused more controversy than any of his other writings, because it was regarded as an attack on democracy. Maine was no idolater at the shrine of democracy, and the general thesis of his *Popular Government* was that democracy is not intrinsically more stable than other forms of government and that there is no necessary connection between democracy and progress. He denied the reality of natural rights, doubted the possibility of progressive reform through legislation, and held that equality might be an obstacle to progress. Although this book dashed cold water upon the enthusiasms of democratic partisans, its lasting influence upon political thought was less than Maine's more strictly legal works.

V

Maine's outstanding contribution to jurisprudence, according to Sir Frederick Pollock, was not that he was the propounder of a system, but that he was the pioneer of a method—the comparative

study of institutions. This method was as important to political science as to jurisprudence. Maine went as far as Savigny or any one else in his respect for history as a key to social truth, and went beyond all of his predecessors and contemporaries in using comparative studies of the legal institutions of different peoples and periods for the same purpose. Political science not only drew from Maine's juridical studies much valuable material, but also found that the methods employed in those studies could be profitably used in other lines of inquiry. And there was added value in Maine's work in that, although he followed Savigny and the German school in many ways, his work was done after the emergence of the Darwinian concept of evolution and hence gave new emphasis to the idea of organic evolution in the social sphere.

Existing theories of law, said Maine, were largely guess-work. Their originators had "carefully observed the institutions of their own age and civilisation, and those of other ages and civilisations with which they had some degree of intellectual sympathy, but, when they turned their attention to archaic states of society which exhibited much superficial difference from their own, they uniformly ceased to observe and began guessing. The mistake which they committed is therefore analogous to the error of one who, in investigating the laws of the material universe, should commence by contemplating the existing physical world as a whole, instead of beginning with the particles which are its simplest ingredients."¹

"The rudiments of the social state," he went on to say, "so far as they are known to us at all, are known through testimony of three sorts—accounts by contemporary observers of civilisations less advanced than their own, the records which particular races have preserved concerning their primitive history, and ancient law. The first kind of evidence is the best we could have expected. As societies do not advance concurrently, but at different rates of progress, there have been epochs at which men trained to habits of methodical observation have really been in a position to watch and describe the infancy of mankind. Tacitus made the most of such an opportunity; but the *Germany*, unlike most celebrated classical books, has not induced others to follow the excellent example set by its author, and the amount of this sort of testimony which we possess is exceedingly small. . . . Other histories . . . which have been handed down to us among the archives of the people to whose infancy they relate have been thought distorted by the pride of race or by the religious sentiment of a newer age. It is important to observe

¹ *Ancient Law* (5th ed., 1888), pp. 114–115.

that these suspicions, whether groundless or rational, do not attach to a great deal of archaic law. Much of the old law which has descended to us was preserved merely because it was old. Those who practised and obeyed it did not pretend to understand it; and in some cases they even ridiculed and despised it. They offered no account of it except that it had come down to them from their ancestors. If we confine our attention, then, to those fragments of ancient institutions which cannot reasonably be supposed to have been tampered with, we are able to gain a clear conception of certain great characteristics of the society to which they originally belonged.”¹

Thus it is clear that for Maine the study of ancient law was not an end but a means. His purpose was to lay bare the origin and development of civilizations, and ancient law was the best available instrument to that end. In the evolution of civilizations nothing was more vital, thought he, than the way in which the state was first constituted and the modes of its subsequent growth and change. Maine therefore addressed himself to this question. “Men are first seen,” he stated, “distributed in perfectly insulated groups, held together by obedience to the parent. Law is the parent’s word, but it is not yet in the condition of those *themistes* [judicial commands] which were analyzed in the first chapter of this work. When we go forward to the state of society in which these early legal conceptions show themselves as formed, we find that they still partake of the mystery and spontaneity which must have seemed to characterise a despotic father’s commands, but that at the same time, inasmuch as they proceed from a sovereign, they presume a union of family groups in some wider organisation. The next question is, what is the nature of this union and the degree of intimacy which it involves. It is just here that archaic law renders us one of its greatest services and fills up a gap which otherwise could only have been bridged by conjecture. It is full, in all its provinces, of the clearest indications that society in primitive times was not what it is assumed to be at present, a collection of *individuals*. In fact, and in the view of the men who composed it, it was an *aggregation of families*. The contrast may be most forcibly expressed by saying that the *unit* of an ancient society was the Family, of a modern society the Individual.”²

Here was a point of real importance for political thinkers. If Maine’s anthropology was correct, many of the basic assumptions

¹ *Ibid.*, pp. 116–117.

² *Ibid.*, p. 121.

of the social contract and natural rights philosophers were false. And Maine increased the difficulty of defending these stalwart dogmas by arguing that ancient political societies, by the operation of natural forces, took the form of aristocracies. The state, according to his evidence, was not merely the family grown large, nor even a group of families banded together in political association. All ancient societies, he said, "regarded themselves as having proceeded from one original stock, and even laboured under an incapacity for comprehending any reason except this for their holding together in political union. . . . And yet we find that along with this belief, or, if we may use the word, this theory, each community preserved records or traditions which distinctly showed that the fundamental assumption was false . . . that the primary group, the Family, was being constantly adulterated by the practice of adoption. . . . The composition of the state, uniformly assumed to be natural, was nevertheless known to be in great measure artificial." ¹

This contradiction between fact and theory was to be explained, Maine said, by the circumstances usually attending the expansion of a small group of kinsmen into a large political society. To the primitive mind, kinship was the only conceivable basis of the social bond. It was impossible, however, for any group of actual blood relations to multiply sufficiently to exercise dominion on a large scale. In order to grow in power and possessions, in some instances in order merely to survive, the kinship group was obliged to add to its numbers by extra-familial recruiting. This could be accomplished without violence to the blood tie in but one way. The outsiders would feign themselves to be descended from the same ancestral stock as the group receiving them, and the insiders would not question this pretense. Thus by a convenient legal fiction the principle of kinship was preserved and the solidarity of the enlarged group insured. But the preference for kinship was so strong that this process could not go on indefinitely. As soon as they felt strong enough, these growing societies "ceased to recruit themselves by factitious extensions of consanguinity. They necessarily, therefore, became Aristocracies, in all cases where a fresh population from any cause collected around them which could put in no claim to community of origin." ²

¹ *Ibid.*, pp. 124-126.

² *Ibid.*, p. 127.

As soon as possible, in other words, the community reverted to a strict application of the kinship principle and admitted no one to political rights and privileges except on the basis of blood connection. From that point forward added populations were treated as inferiors and denied equality of right and privilege. By reason of the discrimination thus practiced against them, the inferior classes came to have a feeling of unity among themselves, which was based not upon blood kinship but upon common association in a local situation. This, said Maine, gradually brought forth a new conception of political society—the idea that the essential bond of community life was membership in the population of a territory having a common government. Maine called this the principle of local contiguity, and said that it had come to be so widely accepted in modern times that it was mistakenly assumed to be the principle on which all political societies were originally formed.

Maine admitted uncertainty as to the precise way in which the transition from the familial to the territorial state had been accomplished, but thought that “The movement of the progressive societies has been uniform in one respect. Through all its course it has been distinguished by the gradual dissolution of family dependency and the growth of individual obligation in its place. . . . Nor is it difficult to see what is the tie between man and man which replaces by degrees those forms of reciprocity in rights and duties which have their origin in Family. It is Contract. Starting, as from one terminus of history, from a condition of society in which all the relations of persons are summed up in the relations of Family, we seem to have steadily moved towards a phase of social order in which all these relations arise from the free agreement of Individuals. . . . The word Status may be usefully employed to construct a formula expressing the law of progress thus indicated. . . . If we . . . employ Status, agreeably with the use of the best writers, to signify these personal conditions only, and avoid applying the term to such conditions as are the immediate or remote result of agreement, we may say that the movement of the progressive societies has hitherto been a movement from Status to Contract.”¹

Maine’s anthropology has been antiquated by the researches of modern students of political origins, and his particular theories of the beginnings and development of the state are no longer fully

¹ *Ibid.*, pp. 163–165.

accepted. But, for forcing political theory to face the challenge of anthropological inquiry and for endeavoring to formulate a principle of political obligation consistent with the supposed actualities of institutional history, Maine must be honored with an award for distinguished service. Present-day theorists do not wholly agree that the family played the dominant part in primitive society that Maine assigned to it or that the state emerged from the kinship group by fictional devices or otherwise. Maine's doctrine of progress from status to contract is also questioned. Contemporary political science finds the question of political beginnings and development much more complex than Maine had supposed and the evidence of progress according to any single principle increasingly unconvincing. Maine's method remains, however, an enduring monument.

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CHAPTER XXVI
APPEAL TO SCIENCE

I

THE eighteenth-century wrecking-crew of scientists, philosophers, and revolutionists did a thorough job. When the dust of the great demolition had cleared and men set their hands to the task of reconstruction, it was discovered that the intellectual foundations of authority had been badly shattered. Undisputed grounds of authority no longer existed, nor was there any generally credited theory or principle on which rightful authority could be safely and surely posited. Thinking men in the nineteenth century early perceived the need for a new orientation of authority and earnestly strove to supply the need. Of the many efforts in this direction none was more characteristic of nineteenth-century tendencies than the appeal to science.

The political mind of the nineteenth century was well prepared for the appeal to science. The savants of the *Aufklärung* had made a cult of science, and in mathematics, physics, and astronomy in particular there had been such amazing progress in the eighteenth century as to foster the belief that all human problems might be solved by scientific methodology. The nineteenth century saw science move on to new and more spectacular triumphs, and in the beginnings of modern biology, geology, paleontology, and anthropology found abundant promise of sciences which might penetrate the mysteries of organic life, indeed of social life, as successfully as the older sciences had solved the riddles of mechanics. Science was therefore mustered into the service of social theory, and scores of political thinkers turned to science for basic postulates on which they might build. In this chapter we shall deal with four of these disciples of science—Saint-Simon, Comte, Bagehot, and Spencer.

II

Not to many men in the history of political thought has it been given to be hailed as the forerunner of so many lines of vital doctrine as are credited to the fecund genius of Claude-Henri de Rouvroy, comte de Saint-Simon (1760–1825). Though lacking the depth

of scholarship to achieve his avowed ambition of doing for social science what Descartes, Bacon, and Newton had done for the physical sciences, Saint-Simon's brilliant originality has won him the glory of foreshadowing some of the notable ideas of modern political thought, including socialism, positivism, technocracy, and internationalism. He was unquestionably the first nineteenth-century thinker to envision a fully rounded science of society.

The career of Saint-Simon reads like fiction. A scion of one of the great families of France, boasting descent from Charlemagne, he entered the army at seventeen and served under de Grasse in the Yorktown campaign of the American Revolution. Military service then took him to Mexico, where he won attention with a plan for building a Nicaraguan ship canal. Returning to France with the rank of colonel, but disgusted with the intellectual sterility of army life, he resigned his commission and set out to do two things: (1) educate himself for intellectual leadership and (2) make a fortune sufficient to give him power and independence. In both of these undertakings he was eminently successful. He sought the company of philosophers and scientists, seriously endeavoring in every way to equip himself with learning. Already liberal in his views, he soon became a convinced radical. When the Revolution came he gladly renounced his titles of nobility and took the name of Charles Henri Bonhomme, but refused to take an active part in politics. With canny attention to the main chance, however, he took advantage of the opportunity to speculate in confiscated church lands and emerged from the epoch of depreciated currency with a substantial fortune.

Saint-Simon was now ready to launch himself as a leader of opinion. He married, established a salon, extended bounteous hospitality to scientists and scholars, and began to write scientific and political papers. Incompatibility between himself and his wife resulted in a divorce by mutual consent in less than a year. Then, seeking a spouse capable of the high intellectual rôle required of the wife of a great savant, he offered his hand to the famous Madame de Staël; but she declined the honor. Lavish expenditures and crooked business associates in a short time reduced him to penury, and he was forced to take employment as a clerk in order to make a living. In his declining years he was thrown out of work and lived in abject poverty, escaping starvation only because a few loyal friends

provided for his simple needs. In adversity as well as prosperity, however, Saint-Simon kept up his courage and labored manfully to fulfill the mission he had conceived for himself. In his lifetime Saint-Simon made few converts and had little influence, but he left a small circle of dynamic disciples who enlarged upon his work and transmitted his doctrines to posterity. Saint-Simon's most influential writings were *Letters of a Resident of Geneva* (1802), *The Reorganization of European Society* (1814), *The Industrial System* (1821), and *The New Christianity* (1825).

In less than ten years after his death Saint-Simon had been clothed with the mantle of a major prophet, and Saint-Simonism had become a fashionable creed. His doctrines had been disseminated just at the right time to make a powerful appeal to a generation disillusioned by the successive atrocities of Rousseauism, Bonapartism, and Legitimism. To a large portion of the youth of the 1830's and 1840's it seemed that Saint-Simon had found the right answer to the age-old problem of government.

Saint-Simon had in fact just one great idea, but he varied it in so many ways and wove it into so many different patterns that it appealed to widely divergent minds and interests and thus gave rise to various species of Saint-Simonism. The great idea was simply that human society must needs be intelligently—scientifically—organized and directed. Liberalism, which at that time meant *laissez faire*, was dismissed as sterile and hopeless. It left everything to the invisible hand of chance. Reactionism, opposed to all that was new and crying for the restoration of the old religio-feudal system of society, was put down as self-convicted of irrationality. And middle-of-the-road gentry who wanted to reconcile the old and the new were ridiculed as nice old women who could not understand what had happened. What the world really needed, said Saint-Simon, was a "positive" political science or, as he often phrased it, a "physico-politics." This remarkable science, according to the outlines dimly sketched by Saint-Simon, would be a synthesis of history, scientifically studied, and all of the natural sciences, and it might well start with the law of gravitation as its central principle. This science would constitute the absolute, supreme authority over men, and political scientists, divining and handing down its laws like priests of the Middle Ages, would organize and control the world.

Pursuit of this gorgeous vision and of ways to deliver it alive

in the world led Saint-Simon into many provocative by-paths of theory. One thing that must be insured, if science was to rule the world, was universal peace. To that end Saint-Simon proposed a plan for international political and economic federation with a supra-national parliament to regulate world affairs. Not only did this embody one of the favorite dreams of internationalism; it was probably also the source from which the internationalism of so-called "scientific" socialism was derived, for Saint-Simon strongly emphasized the correlation between world peace and efficient industrial production.

Saint-Simon was less interested in the political than in the industrial organization of the state. The primary thing was to organize industry so that the working members of society would receive what they produced and not be burdened with the support of numberless parasites, among whom he mentioned the king and the royal family, the nobility, the chief landowners, all cardinals and bishops, all high government officials both civil and military, and all lawyers. Let society be organized so that scientists, technicians, and business men were at the head of things, and let the political state be confined to the maintenance and protection of this organization—such was the gist of Saint-Simon's political ideology. What form the political government should take he did not clearly indicate; but he was skeptical of democracy and scouted the idea of popular sovereignty. He seems to have had in mind some sort of benevolent despotism administered by scientists.

Though he is ticketed as a precursor of modern socialism, it is doubtful whether Saint-Simon should be called a socialist at all. Some of his disciples took the socialist and others the capitalist path. Saint-Simon argued that there could be no real progress toward a scientifically organized society without changes in the institution of private property; but he never suggested the confiscation of private property, never proposed universal collective ownership and operation of all instrumentalities of production and distribution. He simply declared that property must be regarded as a public utility, and that the law of property should be altered whenever it was socially desirable.

Though widely pervasive, the influence of Saint-Simon has been curiously paradoxical. He spawned reactionaries and radicals with almost equal profusion. In Germany he was a source of inspiration

and ideas to Bismarck and also to Karl Marx; in France he was the mentor of the great conservative, Auguste Comte, and the famous socialist, Louis Blanc; in England he exerted a considerable influence upon John Stuart Mill and also upon Robert Owen and the English socialists. Stemming from Saint-Simonism were movements as far apart as neo-Catholicism and anti-clericalism, state socialism and scientific capitalism. These paradoxes are in reality not so paradoxical as they seem. There is often a kinship between opposites, and between the opposites which sprang from Saint-Simon's theories there was the common element of belief in the authority of science. For that reason Saint-Simon must be regarded as one of the great formative influences of nineteenth-century political thought.

III

Auguste Comte (1798–1857) is known to fame as the creator of Positive Philosophy and the father of modern sociology. Educated in the schools of his native Montpellier and the École Polytechnique at Paris, Comte was first a private tutor, then from 1818 to 1824 was secretary to Saint-Simon, and from 1833 to 1852 was an examiner and lecturer and writer on scientific and philosophical subjects. While there can be no doubt that Comte owed a great deal to Saint-Simon, he was a creative thinker in his own right and went far beyond the doctrines received from his teacher. The writings upon which his fame and influence chiefly rest are *Course of Positive Philosophy* (1830–1842), *System of Positive Polity* (1851–1854), and *Catechism of Positivism* (1852).

It is impossible to divorce Comte's political thought from his Positive Philosophy, for the former, in his mind, was the outgrowth and necessary sequel of the latter. From Saint-Simon Comte derived two seminal ideas: (1) that social phenomena are governed by laws like other natural phenomena and may be classified and studied in the same way; (2) that the paramount purpose of philosophy should be the discovery of the laws of social phenomena and the rational reconstruction of political, religious, and ethical systems. These formed the take-off for his own philosophical flights.

Comte's Positive Philosophy is predicated upon the assumption that human thought in every branch of knowledge passes through three distinct stages, which he termed the theological, the meta-

physical, and the positive. The first is the stage in which everything is explained in terms of supernatural causation; the second is the stage in which everything is explained in terms of some abstract force independent of personal volition; the third is the stage in which men are not primarily concerned with ultimate causes, but seek to establish facts and to discover and follow the laws of general and particular character which govern the realm of fact. The positive stage, it is apparent, was none other than the scientific stage. The great function of the Positive Philosophy, declared Comte, was to speed the end of the first two stages and lead men to an appreciation of the possibilities of the positive method. With prodigious learning and labor Comte proceeded to re-interpret, re-classify, and re-coördinate all branches of knowledge as parts of a whole new system to which his three stages furnished the key. Most important of all, from the standpoint of the social scientist, he undertook to demonstrate that the science of society—sociology, he called it—should be regarded as the capstone of the system, the central trunk from which all others depend. He was even so bold as to classify the sciences in hierarchical order, as follows: mathematics (including mechanics), astronomy, physics, chemistry, biology, and sociology.

Sociology, as defined and explained by Comte, is the science which interprets the facts of human history, apart from those of individual human biology, in terms of general laws and seeks by studying those laws to discover a scientific technique of regulating human society. Latter-day sociologists would be little disposed to quarrel with this definition. Comte's method was historical. He proposed a careful examination of every known fact and situation in history from the standpoint of all its antecedents. On these data he would raise a body of empirical generalizations as to the laws of social phenomena. These tentative laws would be checked against the laws of human nature as disclosed by biology. Sociological generalizations found to be consistent with human biology would be recognized as positive laws of society; those found inconsistent with biological laws would be rejected, it being evident in their case that history had been misinterpreted.

Contemporary sociologists would not be satisfied with Comte's method alone, but would nevertheless find much value in it. And they would heartily approve, because they have derived it from Comte, his emphatic reiteration of the necessity of treating social

phenomena as a whole. Comte maintained that there are basic correlations between all groups of social phenomena, and that you could not, for instance, comprehend political institutions without considering at the same time their connections with economics, religion, family, manners, and the whole gamut of things social. Comte thought that reason was the catalyzing and determining factor in the march of social evolution, and that the history of intellectual development would provide the key to social evolution. From this conclusion the present-day sociologist, grounded in Darwinian biology and Freudian psychology, would undoubtedly dissent.

In the application of his theory to the politics of his own day, Comte proved himself rather less scientific than he imagined. He was a conservative whose slogan was "Order and Progress."¹ He could not enlist under the banner of reactionaries like Maistre, because their doctrines "regarded Order as stationary, a conception which rendered it wholly inapplicable to modern politics."¹ As an alternative that would appeal to reasoning men, he offered a science of society in which order and progress would be coexistent and scientifically correlated. "In Sociology," he said, "the correlation assumes this form: Order is the condition of all Progress; Progress is always the object of Order. Or, to penetrate the question still more deeply, Progress may be regarded simply as the development of Order; for the order of nature contains within itself the germ of all possible progress."² This view led him to the defense of the *status quo*, and explains his strong opposition to violent and sweeping change regardless of its necessity or merit.

Despite his conservatism, however, Comte's influence has not been entirely conservative in its effects. As with Saint-Simon, there was a great deal of the universal in Comte's thought, and it has spread in ever-widening circles, illuminating regions not intended by its author. Comtian positivism made an indelible impression on nineteenth-century political thought, and was a driving force in the rise of the scientific approach. Comte's evolutionism helped greatly in preparing the way for the later systems by which it was replaced. His methodology inspired historians to use history as a laboratory for the discovery of social laws. His sociology not only sired a new science, but endowed it with a method to which it still very largely

¹ A. Comte, *A General View of Positivism* (Bridges trans., 1908), p. 115.

² *Ibid.*, p. 116.

adheres. No brief summary can possibly do justice to the many-sidedness of the Comtian system. If we accept the dictum of John Stuart Mill that it contemplates spiritual and temporal despotism, we should remember also that in the opinion of Émile Faguet we meet Comte at every step in modern thought. If both of these judgments are correct, Comte is truly one of the most significant thinkers of modern times.

IV

The political science of Saint-Simon and Comte and the many who followed in their steps was, as they termed it, a "positive" science. It assumed that intellectual endeavor, properly directed, could discover laws as positively dominant in the social sphere as the law of gravitation in physics, and further that intellectual endeavor could teach men how to use these laws to effect socially desirable results. Inevitably, therefore, the exponents of positivism became advocates of some form of managed society. Proletarians naturally turned to socialism or communism, and conservatives just as naturally tended toward an aristocratic or ecclesiastical autocracy. Until the arrival of the Darwinian biology positivism had no strong opposition in scientific circles. It was the only political philosophy which could plausibly pretend to be scientific. But the Darwinian doctrine of evolution through natural selection entirely changed the outlook of many scientific thinkers, especially in England. If the Darwinian hypothesis of struggle for existence, variation of species, and survival of the fittest was true, science must look upon political institutions in a different light. They must be viewed as the natural product of evolutionary processes among which conscious intellectual insight and control counted hardly at all.

Accordingly there sprang up, first in England but rapidly spreading throughout the world, a definitely anti-intellectual school of scientific political thought. Scouting the possibility of an intellectually managed society, the members of this school appealed to science for support in their view of political society as an organic growth resulting from forces not amenable to deliberate direction and control. The function of science, these thinkers maintained, was not to tell men how to organize and administer a perfect social system, but how to understand existing social systems and accommodate themselves to the natural forces shaping the development of

existing societies. The most charming and persuasive writer of this group, and by no means the least influential, was Walter Bagehot (1826–1877), a brilliant English banker, economist, publicist, and editor.

Bagehot had a versatile and prolific mind, but was primarily a journalist and essayist rather than an original scholar. Family and business connections afforded him close inside contacts with the political life of his time and thus gave him unusual opportunities for direct observation. He was trained both in law and finance, but preferred to devote himself largely to literary work, for which he had a decided gift. Aligned with the conservative wing of the Liberal Party, he was open-minded, tolerant, and practical in his approach to public questions. As editor of the *Economist* from 1860 to his death in 1877, he exerted a great influence upon English economic thought and practice, and his book *Lombard Street* (1873) is said to have clarified the principles of bank reserves to such an extent that the whole banking system of England was placed on a sounder basis. Bagehot's most significant contributions to political thought are found in his *The English Constitution* (1867) and *Physics and Politics* (1869).

Much of Bagehot's influence was due to the irresistible style with which he wrote, but he was an adequate student, thoroughly familiar with the best scientific and classical thought of his day, and had the stimulating faculty of presenting old subjects in a new light. In *The English Constitution* Bagehot started a new fashion in constitutional interpretation. Instead of describing the English constitution in arid legal terms, he portrayed it as a living thing in action, and emphasized not the formal structure, but the actual practice of daily political life. The sparkle and zest of its style and the freshness of its material, which was largely derived from Bagehot's personal observation of things in and behind the scenes in public life, gave this book a tremendous popularity, and of course produced a flattering abundance of imitators. More than any other book of the century, perhaps, it led men to realize that the study of government should be a study of life.

Bagehot's *Physics and Politics* was his most widely influential book. It should have been called *Biology and Politics*, or even better *Psychology and Politics*, for it was an attempt to explain modern political phenomena in terms of biological and psychological evolution.

“Our mind,” said Bagehot at the outset, “in some strange way acts on our nerves, and our nerves in some equally strange way store up the consequences, and somehow the result, as a rule and commonly enough, goes down to our descendants. . . .”¹ Taking this as an admitted fact, and without troubling to establish the likeness of society to a biological organism, Bagehot proceeded to set forth the implications of Darwinian biology in the evolution of the political mind. Disregarding as immaterial the new findings of ethnology and anthropology as to prehistoric man, he began his survey with man in the patriarchal, and, as he assumed, first stage of civilization.

It was at this stage, Bagehot tells us, that man began to be transformed into a political animal. Just how this transformation came about, he did not pretend to know; but he was very sure as to why early politics prevailed and survived. Natural selection attended to that. Men organized under leaders to whom they owed obedience had a better chance to win in the struggle for existence, and did win. Moreover, in the struggle between rival polities, those which were most firmly united and best disciplined won out and perpetuated themselves. This experience did something to the minds of those who passed through it. The primary requisite for survival was group solidarity, and everything was subordinated to that end. Within the group those individuals who could best adjust themselves to the necessities of unity would prevail, and others naturally would imitate them. Over a span of time this would result in a “cake of custom” extinguishing individual freedom of thought and reducing all minds to one general pattern.

This mainly psychological “cake of custom,” declared Bagehot, was the principal factor in the making of modern nations. “I want to bring home to others,” he wrote, “what every new observation of society brings more and more freshly to myself—that this unconscious imitation and encouragement of appreciated character, and this equally unconscious shrinking from and persecution of disliked character, is the main force which moulds and fashions men in society as we now see it. Soon I shall try to show that the more acknowledged causes, such as change of climate, alteration of political institutions, progress of science, act principally through this cause; that they change the object of imitation and the object of avoidance,

¹ *Physics and Politics* (World's Greatest Literature, 1900), Vol. xii, p. 6.

and so work their effect. . . . Society is not founded upon a 'voluntary system' but upon an involuntary. A man in early ages is born to a certain obedience, and cannot extricate himself from an inherited government." ¹

"It may be said," he continues, "that these two tendencies of the early world—that to persecution and that to imitation—must conflict; that the imitative impulse would lead men to copy what is new, and that persecution by traditional habit would prevent their copying it. But in practice the two tendencies co-operate. There is a strong tendency to copy the most common thing, and that common thing is the old habit. Daily imitation is far oftener a conservative force, for the most frequent models are ancient. Of course, however, something new is necessary for every man and for every nation. We may wish, if we please, that tomorrow shall be like to-day, but it will not be like it. New forces will impinge upon us; new wind, new rain, and the light of another sun; and we must alter to meet them. But the persecuting habit and the imitative combine to insure that the new thing shall be in the old fashion; it must be an alteration, but it shall contain as little of variety as possible. The imitative impulse tends to this, because men most easily imitate what their minds are best prepared for,—what is like the old, yet with the inevitable minimum of alteration; what throws them least out of the old path, and puzzles least their minds. The doctrine of development means this,—that in unavoidable changes men like the new doctrine which is most of a 'preservative addition' to their old doctrines. The imitative and the persecuting tendencies make all change in early nations a kind of selective conservatism, for the most part keeping what is old, but annexing some new but like practice—an additional turret in the old style." ²

Must it be concluded, then, that conscious scientific innovation and deliberate forward progress are impossible? No, replies Bagehot; in advanced civilizations there is a possibility of breaking the "cake of custom" through "government by discussion." This presupposes advancement to a condition of sufficient national independence, security, and prosperity to permit some deconcentration of sovereign authority and some freedom of thought and expression. Then tolerance is possible and conscious intelligence may enter into the situation. But even then change is difficult and stubbornly resisted, for "One of the greatest pains to human nature is the pain of a new idea. It is, as common people say, so 'upsetting'; it makes you think that, after all, your favorite notions may be wrong, your firmest beliefs ill-founded; it is certain that till now

¹ *Ibid.*, pp. 61–62.

² *Ibid.*, p. 65.

there was no place allotted in your mind to the new and startling inhabitant, and now that it has conquered an entrance, you do not at once see which of your old ideas it will or will not turn out, with which of them it can be reconciled, and with which it is at essential enmity. Naturally, therefore, common men hate a new idea, and are disposed more or less to ill-treat the original man who brings it. Even nations with long habits of discussion are intolerant enough. In England, where there is on the whole probably a freer discussion of a greater number of subjects than ever was before in the world, we know how much power bigotry retains.”¹

Therefore Bagehot was not hopeful of rapid progress even in nations where government by discussion had been achieved. Free states, he pointed out, are exposed to the gravest dangers. Enemies without stand ready to take advantage of every weakness, and forces within are poised to destroy them. “As soon as discussion begins the savage propensities, too, have been weakened by ages of culture, and repressed by ages of obedience, as soon as a vital topic for discussion is well started the keenest and most violent passions break forth.”² Consequently progress by discussion must always be slow and dubious. “Though a few gifted people may advance much, the mass of each generation can improve but very little on the generation which preceded it; and even the slight improvement so gained is liable to be destroyed by some mysterious atavism—some strange recurrence to a primitive past.”³

National progress was in fact, said Bagehot, very largely accidental. One nation, by some fortuitous circumstance, had stumbled on to the right track and gone forward, while another, no less capable of advancement, had by chance missed the road of progress. Nevertheless, there was definite hope of progress for all nations through the development of an “animated moderation,” combining primitive energy of mind with cultured balance and so seasoning this with “all the finer graces of humanity” as to produce a more dispassionate judgment.

Bagehot’s was obviously the political philosophy of a Victorian gentleman of liberal but not too liberal inclinations, who felt that after all things must be much as they are and cannot be radically improved by legislative reforms. Not dogmatically *laissez faire* and conceding the necessity of government intervention and regulation

¹ *Ibid.*, pp. 100-101.

² *Ibid.*, p. 111.

³ *Ibid.*, p. 135.

in some instances, he was none the less persuaded that "animated moderation" in the form of individual self-discipline was the only sure key to social progress. Though he did not doubt the capacity of the masses to be moved by intellectual appeals, he believed this to be of rare occurrence and for the most part prevented by the ponderousness and complexity of the tradition-ridden social aggregate. His treatment of the psychological factors in political behavior was the most penetrating of his time and may be said to have inaugurated the modern psychological school of political thought.

All of Bagehot's political writings were fertile with suggestion, and his critical comments on existing political institutions revealed a mind of remarkable clarity. His comparative study of the parliamentary and presidential types of government was a masterpiece of political analysis, and so effectively brought that subject to the attention of political thinkers as to give rise to a large output of literature thereon. His keen perception of the unforeseen consequences of principle of separation of powers as embodied in the Constitution of the United States was an illuminating revelation to American scholars, and contributed much to the rise of a critical school of constitutional analysis on these shores. He pointed out more sharply than any previous political thinker the genuine importance and value of symbolism as a force in determining political behavior, and in so doing made a telling argument against utilitarianism. On the great central problem of political science—the problem of Man vs. the State—Bagehot also performed a notable and useful service. Without pretending to solve the problem, he showed that while individual liberty is essential to progress, it may also defeat progress. Somewhere and at some times, he stated, a line must be drawn between liberty and authority. But he doubted that a sharp and permanent line could ever be drawn. In a continuously changing society the best that could be done, he thought, was to draw the line in specific cases as the wisdom of "animated moderation" should determine.

V

The Aristotle of Victorian England and of Victorian America, too, was Herbert Spencer (1820–1903). No philosopher cast a longer shadow in his own day, and few have flung a more galling challenge to posterity. Nobody reads Spencer now, Crane Brinton

tells us, because he was not a scientist but “a salesman of ideas, and we no longer like his goods.”¹ True it is that twentieth-century political thinkers and twentieth-century statesmen on the whole exhibit no marked fondness for Spencer’s goods, but they are still being peddled and, what is more, sold. *Social Statics*, *The Man Versus the State*, *The Proper Sphere of Government*, *Political Institutions*, and *The Principles of Sociology*, to mention only the more prominent of the obese progeny of Spencer’s political thought, still have believers, if not readers, in Lombard Street and Wall Street, and even in the most exalted posts of government both in England and the United States. The reaction against twentieth-century authoritarianism has given a new impetus to Spencer’s doctrine. The political philosophy of Herbert Spencer is unread to-day, but not dead, and will not be dead until the last word shall have been said on the tremendous question of freedom versus authority. And it was read enough during the last half of the nineteenth century to indoctrinate the zealots of individualism for generations to follow.

Spencer was a very different sort of Englishman from the type represented by Bagehot, the fine flower of wealth, position, and classical education. Spencer was the son of a poor schoolmaster who was unable to give the boy a university education or any higher education at all except what he could grub out for himself. At the age of seventeen Spencer went to work as a railway engineer and followed that calling for ten years. On the side, however, he applied himself to intensive study and began contributing articles to various publications. By 1848 he had gained sufficient recognition to be appointed a sub-editor of the *Economist*, which post he held until 1853. The remainder of his career was almost wholly given over to writing and lecturing. He was the author of dozens of books, several of which went through many editions, and was a constant contributor to magazines and reviews. Spencer’s social background and irregular education had not a little to do with his dissident approach to philosophical problems. All his life he remained keenly class-conscious and manifested a positive dislike for the upper classes and all their works. He held aloof from academic circles and heaped ridicule upon the classical education of the English gentleman. For the conventional standards of art and literature he had little esteem and many shafts of caustic criticism. Early aban-

¹ *English Political Thought in the Nineteenth Century* (1933), p. 239.

doning the religious doctrines of the Methodists and Quakers which he had received from his parents, he reacted even more vehemently against the religion of the Established Church.

The great task to which Herbert Spencer set himself was an attempted synthesis of all scientific knowledge. Whether such a thing can ever be done is a question on which twentieth-century scientists are reluctant, in proportion to the breadth and fullness of their knowledge, to give an opinion. In Spencer's time, when science was just on the threshold of some of its most revolutionary findings, a valid synthesis of scientific knowledge was obviously impossible. But Spencer was fully confident of his ability to do the job and plunged into metaphysics, ethics, theology, biology, psychology, and sociology without a doubt that he would emerge with the supreme law of the universe in his grasp. That he failed scarcely needs saying, but he was so unconscious of failure and so ponderously impressive that he succeeded in convincing many besides himself that he had actually chalked the boundary between the Knowable and the Unknowable and correctly divined the basic laws of cosmology. Thus, although he gave the world a rather pathetic caricature of the great summation of knowledge at which he aimed, he exerted a profound influence upon the thought of his generation and bequeathed to succeeding generations a larger understanding of the essential interrelationship of formerly dissociated departments of knowledge.

Spencer was the chief philosopher of nineteenth-century evolutionism. He said that he had always been an evolutionist; and it is a fact that, at least six years before the publication of Darwin's *Origin of Species*, Spencer had published books and essays in which evolution was held up as the central law of nature. The conclusions of biologists such as Darwin, Wallace, Huxley, and Lewes were a welcome confirmation of his theories, and he turned eagerly to biology to amplify and sustain his philosophy. Although he accepted the Darwinian biology generally, he differed on certain vital points. Though accepting, and indeed originating, the doctrine of natural selection, he did not agree with Darwin that selection takes place through accidental variation, but held that variation and adaptation were manifestations of purpose. Nor did he accept the dictum of Weissmann as to the non-inheritability of acquired characteristics. Spencer always maintained, though

without convincing evidence, that it was perfectly reasonable to infer that structural adaptations were transmissible by heredity.

Spencer's political thought was the outgrowth of his evolutionism and was largely built around the points on which he differed from the Darwinian thesis. Because he believed in purposive rather than accidental variation, he was stoutly of the opinion that it was unscientific for the state to interfere with or endeavor to mitigate in any way the struggle for existence. Because he believed in the inheritance of acquired characters, he held that the transmission of qualities acquired through natural selection would produce a better society than the transmission of those resulting from artificial modification. Spencer looked upon society as an organism closely analogous to a biological organism and subject to the same laws of evolution, and was more influential than any other nineteenth-century writer in impressing this organismic concept upon the political thought of his own and later times.

The political writings of Spencer are too numerous and voluminous for brief review, but we shall not miss much of importance if we confine our attention to his *Social Statics* (1850) and *The Man Versus the State* (1884). These contain the essence of all that was said in his more pretentious political works. *Social Statics* embodies the political implications of Spencer's concept of evolution as a process resulting from the perpetual antithesis of the two great forces of nature, namely, the dynamic tendency toward change and the static tendency toward equilibrium. "All evil," Spencer postulates at the beginning of the book, "results from the non-adaptation of constitution to conditions. . . . Equally true is it that evil perpetually tends to disappear. In virtue of an essential principle of life, this non-adaptation of an organism to its conditions is ever being rectified; and modification of one or both, continues until the adaptation is complete. Whatever possesses vitality, from the elementary cell up to man himself, inclusive, obeys this law."¹ Hence it must follow, according to Spencer's reasoning, that the perfect society will appear only when man is fully adjusted to his environment; in other words, when an equilibrium is reached between the individual organism and the social organism.

Though not positive that this state of static balance and per-

¹ *Social Statics* (abridged ed., 1897), p. 28.

fection could ever be entirely achieved, Spencer had no doubt that it might and would be approached, if evolution were allowed to take its natural course. The first principle to be recognized was that genuine adjustment between the individual and his surroundings could occur only when there was such liberty of action as to enable men to learn by experience what courses were best to pursue. "For although it may be impossible . . . for the intellect to estimate the respective amounts of pain and pleasure consequent on each alternative, yet will experience enable *the constitution itself* to do this; and will further cause it instinctively to shun that course which produces on the whole the most suffering, or, in other words—most sins against the necessities of existence, and to choose that which least sins against them."¹ Accruing experience transmitted from generation to generation would, said Spencer, inevitably and necessarily mould human faculties into complete fitness for social life. When that final stage was reached, he glowingly prophesied, government would disappear. It would be unnecessary and superfluous, as there would be perfect equilibrium and no antagonism between the individual and society.

The chief duty of the state, then, according to Spencer, was to place as few obstacles as possible in the way of evolution. Science and *laissez faire* were one and the same. "It is clear that any being whose constitution is to be moulded into fitness for new conditions of existence, must be placed under those conditions. This granted, it follows that as man has been, and is still, deficient in those feelings which prevent the recurring antagonisms of individuals and their consequent disunion, some artificial agency is required by which their union may be maintained. Only by the process of adaptation itself, can be produced that character which makes social equilibrium spontaneous. And hence, while this process is going on, an instrumentality must be employed, firstly, to bind men into the social state, and secondly to check all conduct endangering the existence of that state. Such an instrumentality we have in government."² Beyond these two functions, however, the state should not go. "For, if regarded as a protector, we find that the moment it does anything more than protect, it becomes an aggressor instead of a protector; and, if regarded as a

¹ *Ibid.*, p. 43.

² *Ibid.*, pp. 126-127.

help to adaptation, we find that when it does anything more than sustain the social state, it retards adaptation instead of hastening it.”¹

Spencer not only invested the doctrine of *laissez faire* with the sanction of science but also with the sanction of religion. With all his aversion to orthodoxy, he was not irreligious. That a purposive and intelligent, though inscrutable, Power was shaping the course of the universe he would not deny. The method by which that Power worked to its appointed ends was evolution, and for evolution, therefore, Spencer conceived a truly religious reverence. Evolution could do no wrong. It might appear cold and cruel; but, when everything was taken into account, was not nature’s way of weeding out the unfit the most kindly way of all? Could not men believe in God and all the Christian virtues and yet see that no other way but letting nature take its course could accomplish the Divine purpose with less pain and suffering to the human race? They could, and did—vast multitudes of them, particularly those in fortunate circumstances which relieved them of the fear of being weeded out. The underprivileged were not so sure of the ethical strength of Spencer’s position.

Being what he was, a Victorian Englishman of Methodist and Quaker antecedents, Spencer could not reject altruism altogether and insist that the struggle for existence be permitted to proceed without alleviation. There was a place in his philosophy for humanitarianism, but that place was not in the relations between the individual and the state. The place for altruism was in the family and in the voluntary charities of large-hearted people. In these relations, he argued, altruism was in harmony with nature’s law and conducive to natural adaptation. Instead of checking, it aided natural selection; for altruism in these forms meant self-discipline and self-adjustment on the part of all persons concerned. Here again Spencer’s doctrine brought loud amens from the well-to-do and pious members of society.

Fortified with the individualistic philosophy just outlined, Spencer came out dogmatically against almost every form of state interference with private enterprise. He would have no state church, no state education, no poor relief, no sanitary supervision, no factory legislation, no state-controlled monetary system, no state-managed postal system—nothing that might conceivably im-

¹ *Ibid.*

pede natural selection. But he was human after all. In one respect *laissez faire* annoyed him terribly. The frequent blowing of locomotive whistles at all hours of the night interfered with his sleep, and he vehemently demanded a law against it.

The Man Versus the State added nothing philosophically to *Social Statics*, but dealt more directly with contemporary political issues. Under the chapter title "The New Toryism" Spencer chided the Liberal Party for abandoning its original *laissez faire* attitude and becoming more "coercive" than the Tories. Under the title "The Coming Slavery" he deplored "every extension of the regulative policy," which, he said "involves an addition to the regulative agents—a further growth of officialism and an increasing power of the organization formed of officials."¹ The final result of this, he had no doubt, "would be a revival of despotism."² Under the title of "The Sins of Legislators" he wrote feelingly on "the mischiefs wrought by uninstructed lawmaking" and concluded that "They have their root in the error that society is a manufacture; whereas it is a growth . . . a structure which is in a sense organic."³ Under the title of "The Great Political Superstition" he opened with this arresting aphorism: "The great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments."⁴ This was followed by a trenchant dissertation on the fallacy of the idea of popular sovereignty when viewed from the standpoint of science. "When that 'divinity' which 'doth hedge a king,' and which has left a glamour around the body inheriting his power, has quite died away," he wrote in closing: "when it begins to be seen clearly that, in a popularly governed nation, the government is simply a committee of management; it will also be seen that this committee of management has no intrinsic authority. The inevitable conclusion will be that its authority is given by those appointing it; and has just such bounds as they choose to impose. Along with this will go the further conclusion that the laws it passes are not in themselves sacred; but that whatever sacredness they have, is entirely due to the ethical sanction—an ethical sanction which, as we find, is derivable from the laws of human life as carried on under social conditions. And there will come the corollary that when they have not

¹ *The Man Versus the State* (rev. ed., 1897), p. 315.

² *Ibid.*, p. 331.

³ *Ibid.*, p. 371.

⁴ *Ibid.*, p. 377.

this ethical sanction they have no sacredness, and may be rightly challenged.”¹

No reputable political thinker of the present time acknowledges Spencer as his master. For the critical mind of to-day he is an amateur scientist and a pseudo-philosopher. Science has learned a lot about evolution since Spencer's day, and very little of what has been learned tends to confirm the over-confident dogmas with which he assumed to settle the great problems of human society. In fact we know enough now to begin to realize how little we really do know, and hence to be suspicious of all dogmas. One thing, however, we do know with absolute certainty, and that is that Spencer's idea of evolution as a process of adaptation progressively tending in the direction of an ultimate condition of complete adjustment is contrary to all the facts we have. Science now teaches that evolution is a process wherein each adaptation creates conditions calling for new adaptations, and so *ad infinitum*, to ends that no man can hope to know—which completely explodes Spencer's synthetic theory and demolishes his political postulates.

But we should not allow the magnitude of Spencer's failure to obscure the real importance of his influence. He raised the organismic theory of the state to its highest stature; and, although he failed to prove the analogy between human society and organic life and, in his opposition to political amelioration, belied his own hypothesis, he performed a valuable service in forcing home the truth that society is a thing of slow and complex growth in many ways not unlike an organism. Equally useful was his service in pointing out with powerful and repeated emphasis the folly of much that was called reform, and in making clear that its folly was mainly due to ignorance or disregard of deep-rooted social habits. No man ever pilloried more mercilessly the absurdity of trying to change human character by legislative fiat. In the field of practical politics, too, the influence of Spencer has been far more extensive than the intrinsic strength of his doctrines would appear to warrant. He supplied a scientific rationale for the dogma of *laissez faire*, which, though notably deficient in scientific foundation and proved so even by the science of his own day, came at a time when the aggressive plutocracy of the Gilded Age was eagerly seeking an up-to-date philosophy of unrestrained individualism. Spencer's anti-intellectual

¹ *Ibid.*, pp. 410-411.

tual evolutionism, with *laissez faire* as its central principle, provided the perfect antidote for the scientific authoritarianism of Comtian positivism. Believers in free enterprise almost to a man flocked to the standard of Spencer and have transmitted his cult to succeeding generations.

VI

From the nineteenth-century appeal to science there emerged two definite streams of political thought, typified by the four thinkers whose ideas we have just reviewed. On the one hand appeared a strong current of ideology which clung tenaciously to the eighteenth-century notion that the mastery of science could enable man consciously to control his environment and determine his own destiny, and sought in the new discoveries of science additional support for this thesis. On the other hand appeared a swift and rapidly mounting river of scientific thought which drew the conclusion that man must wait upon nature and learn to adapt himself to nature's slow-working laws. Both of these systems of thought gained myriads of adherents, and both as we shall see, have powerfully influenced the courses of political thought in the twentieth century.

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CHAPTER XXVII

THE CHALLENGE OF PROLETARIANISM

I

COLLECTIVISTIC ideas are among the oldest in the history of political thought, far antedating any articulate philosophy of individualism. The collective idea, in one form or another, had been uppermost in the political thinking of mankind in every period prior to the eighteenth century. Pre-Hellenic political thought never even glimpsed the idea of inalienable individual liberty. The Greeks, although they did bring forth magnificent ideals of liberty and democracy, were never quite able to divorce the individual from the community. In Greek thought the state and the individual could have no separate reality, because both were viewed as aspects of an indivisible process of nature. Roman political thought so exalted the ideas of law, order, and unity that little room was left in the Roman mind for the concept of individual liberty. During the Middle Ages, despite the spirit of individualism prevalent among the Teutonic peoples, individualism as a political doctrine made but little headway. The feudal system stood against it, also the ecclesiastical system. The Protestant movement, which wrecked so much of the hierarchical social system that descended from the Middle Ages, was fiercely individualistic in both religious and political ideas, but was accompanied by the rise of powerful and highly centralized national monarchies which ruthlessly checked the trend toward individualism.

It was the great glory of eighteenth-century radicalism that it broke through this massive crust of collectivism and made a place in the world for individual liberty of thought and action. From 1750 to 1850, though it took a succession of violent revolutions to do the job, the doctrine of *laissez faire* was progressively triumphant. The only challenge came from reactionaries who had a passion for stability and order but nothing to offer in the way of social amelioration. *Laissez faire* became, therefore, the flaming cross of all the hosts of liberalism and reform. To liberal-minded men a return to the old system of unrestrained authority would have seemed as great a calamity as the abandonment of all scientific progress in order to

restore the stability of the pre-mechanical system of industry. Liberty and progress, according to their dictum, went hand in hand, and you could not have the latter without the former.

But the nineteenth century had much in store that neither liberals nor conservatives could foresee. It was to be the century of the great Industrial Revolution; and, before this prodigious transmutation of the economic system had gone very far, it was distressingly clear that individual liberty had as much capacity for the promotion of evil as of good. Abuses of liberty on the part of economic overlords had become as ruinous to the welfare of the subjected masses as abuses of authority on the part of political overlords had been in former times. Moreover, economic overlords displayed an odious ability to gain control of political authority and use it to fortify their liberty of ruthless exploitation. To remedy these conditions liberals had nothing to offer except tinkering reforms which sometimes palliated but rarely cured the evils at which they were aimed.

Naturally, therefore, as the capitalistic system bourgeoned and grew reckless of human welfare, the conviction came to many minds that liberty was a fine thing for those in circumstances to enjoy and use it, but a sorry boon to those less fortunately placed in the economic system. By this entering wedge of class-consciousness the seed-bed of proletarian political thought was prepared. The leveling of social classes, which eighteenth-century liberals expected to be the result of liberty and democracy, had not come off. Instead there had arisen a new upper class and a new tyranny. The submerged masses were just as submerged and just as numerous as before, and were held in bondage by sacred individual rights which, ironically, belonged to them in common with all humanity, but only their masters could exercise and enjoy. Small wonder, then, that multitudes of men began to think contemptuously of the sacred right of contract, the sacred right of property, and other hallowed concepts of eighteenth-century individualism, and began to demand that the power and authority of the state be used to limit the free exercise of these rights. Small wonder that political thinkers began to conceive philosophies shaped to the circumstances of the proletarian struggle for economic justice.

There was much proletarian sentiment but not much true proletarian philosophy prior to the middle of the nineteenth century.

Utopian socialism passionately voiced the liberal revolt against *laissez faire*, but relied on voluntary coöperation, rather than political action, to correct the inequities of the economic system. Numerous writers in addition to the utopians criticized the capitalism and advocated various paternalistic and even socialistic reforms, but the bases of their doctrines were mainly ethical and idealistic, not designing to pull the existing system up by the roots and replace it with a radically different social structure. Not until Karl Marx did proletarianism find a thinker capable of blending the diverse ingredients of socialistic ideology into a militant system that had to be reckoned with.

II

It is hard to deal temperately with a man whom millions revere as a god and other millions despise as a devil. To speak dispassionately of Karl Marx is to invite denunciation as a black reactionary by all who worship at the Marxian shrine and denunciation as a Red or Red-sympathizer by all who fear and hate the Marxian cult. If Marx could be ignored, there would be no need to run this gauntlet of violent antipathies; but there is no ignoring a man whose thought has divided the world into two hostile camps. The only honest way to deal with such a thinker is to throw emotion out of the window and try to understand him.

Karl Marx was born of Jewish parents at Treves, Germany, on May 5, 1818. His father was a moderately well-to-do lawyer, but was descended from a long line of rabbis, as also was his wife. When Karl was six years of age the Marx family repudiated Judaism and became Christians. It may have been a nominal conversion so far as the parents were concerned; but for Karl Marx it became ultimately a deep intellectual and emotional rebirth. He not only ceased to be a Jew; he became bitterly anti-Semitic and charged Judaism with many of the iniquities cited against it by the Jew-baiting Nazis of the Third Reich. Indeed, one of the sore trials of Marx's life was the fact that the cast of his countenance was so characteristically Hebraic that he could never be mistaken for anything but a Jew.

Showing intellectual ability at an early age, Marx was sent to the University of Bonn in 1835 and transferred to the University of Berlin in 1836. He proved to be an excellent student, but could not

focus his interest on anything in particular. Part of the trouble was that he had fallen desperately in love with Jenny von Westphalen, the daughter of a noble family in Treves, who had many suitors and whose parents, as well as his own, were opposed to the match. Marx defied them all, staged a whirlwind courtship, won the love of the girl, and argued their parents into consenting to the betrothal before he went off to the University of Berlin in 1836. At Berlin, following his father's wishes, he took up the study of jurisprudence, but soon forsook this for history and philosophy. This change of course brought him under the influence of Hegel's teachings. Hegel had been dead only five years, and his philosophy still dominated the seminars of Berlin. Radicalism was much in the air at the university, and Marx became a radical, though as yet he knew nothing of socialism and had no interest in it.

In 1838, while Marx was still at the University of Berlin, his father died, leaving his modest estate almost entirely to his wife. Young Marx was anxious to get married and decided that he must find a way to make a living. University teaching attracted him, and he determined to secure a doctor's degree and seek a university appointment. For his graduate work he went to the University of Jena, where in 1841 he was awarded the degree of Ph.D. in philosophy, the subject of his dissertation being "The Difference between the Democritean and Epicurean Natural Philosophy."

Marx had friends in the ministry of education who promised to aid him in securing a university position, but a sudden change in the ministry terminated the influence of his backers and ruined his chances for a job. How much sometimes may hinge upon a balked career! Had young Karl Marx succeeded in getting the job he wanted, it is quite probable that *The Communist Manifesto* and *Das Kapital* would never have been written. Marx would have been a brilliant university professor and doubtless would have written profound treatises of some sort, for he had the necessary learning and mental ability; but in a comfortable academic chair it is unlikely that he would ever have turned to proletarian economics.

Returning to Berlin in search of work, Marx secured temporary employment on a publication called *The German Yearbook*. This was his introduction to journalism. A little later he went on the staff of *The Rhenish Times* at Cologne as a contributing editor. In a short time he was advanced to the post of editor-in-chief. *The*

Rhenish Times was a liberal newspaper, favorable to reform but not revolution. As its editor Marx quickly discovered that his training in law, history, and philosophy had not equipped him to deal with economic questions. He was greatly humiliated when the editor of rival paper attacked an article in which he had spoken with some dogmatism on the subject of socialism and proved that Marx knew practically nothing about that subject. Having been offered the joint editorship of the *Franco-German Yearbook* at Paris, then the center of socialist thought, Marx decided to accept. It looked like a step upward in the journalistic profession and would give him an opportunity to make a thorough study of socialism. Sanguine of the future, he married Jenny von Westphalen in 1843 and took her with him to Paris. After a few issues the *Franco-German Yearbook* failed, and Marx was out of a job and face to face with poverty.

At Paris, in September, 1844, Marx met Friederich Engels, a young German radical whose father was a wealthy textile manufacturer with mills both in Germany and England. Engels was employed by his father in connection with the English mills, but socialism was his supreme interest in life and to that cause he was devoting all his spare time, energy, and money. Between Marx and Engels there sprang up a friendship which culminated in one of the most remarkable intellectual and spiritual partnerships in history. Marx was the theorist of the team and Engels the propagandist and organizer. Marx now began to swing rapidly to the left. In 1845 he wrote an offensive article which was published in Germany. The Prussian government at once protested to the French government and had Marx and several other radicals expelled from Paris. He went to Brussels where he joined the Communist League and in conjunction with Engels wrote and published in 1847-1848 the famous *Communist Manifesto*.

When the Revolution of 1848 fell upon France, Marx rushed back to Paris hoping to take part in the struggle and, if possible, take the lead in getting his doctrines put into operation. He arrived too late, however; for the tide of reaction was already beginning to set in. Finding the political climate of France uncongenial, he decided to take a chance on Germany where rumblings of revolution were distinctly audible. With a few associates he went to Cologne and established a virulently revolutionary paper called

The New Rhenish Times. This lasted six months. When the revolution collapsed in Germany, the paper was suppressed; and Marx was prosecuted on the charge of treason. He pleaded his own case before the jury and was acquitted, but was obliged to leave the country. He went back to Paris, but was not allowed to remain. Then he went to England, where Engels, employed in his father's factory, could help him. Marx settled in London and lived there until his death in 1883.

Marx's years in England were devoted mainly to the writing of socialist books and pamphlets and the promotion of the International Workingmen's Association. He tried to support himself by journalistic work, but seldom earned enough to meet expenses. Engels came to his aid repeatedly, as he had often done before Marx took up his residence in England. In fact, if it had not been for the financial support of Engels, the Marx family would have been on the verge of starvation much of the time. Marx was essentially a scholar and thinker, and had no gift for money-making at all. His London days were mainly devoted to researches carried on in the British Museum and other libraries and to writing the voluminous treatises which now stand as the hallowed scriptures of proletarian socialism. The best known of the many published writings of Marx are: *The Poverty of Philosophy* (1847), *The Communist Manifesto* (with Engels) (1848), *The Critique of Political Economy* (1859), *Inaugural Address of the International Workingmen's Association* (1864), *Value, Price, and Profit* (1865), *Capital* (*Das Kapital*) (1867), and *The Civil War in France* (1870-1871).

III

It is doubtless true, as often asserted, that every stone of the Marxian edifice was prefigured in the works of political and economic thinkers antedating Marx, but that does not stamp Marx as a secondhand philosopher or lessen the significance of what he did. The important thing about the work of Marx was not its originality, but its synthetic power. He seized upon philosophic materials which had been lying about loose and largely unused for many years and fused them into a systematic whole that supplied the proletarian movement with a dynamic theory and a tremendous impulse to action. Proletarianism before Marx was mainly protest and aspiration; proletarianism after Marx confidently put forth

the claim that science was on its side, knew what objectives it wished to attain, had a definite technique of organization and attack, and thus became militantly aggressive. It was the avowed purpose of Marx to make socialism scientific. It has been said that he succeeded only to the extent of making it pseudo-scientific, but there is no denying that he made it a tremendous force.

Marx was primarily an economic theorist and was very little concerned with political ideology as such. But he was not unaware of the profound political implications of his economic creed and touched upon political matters which seemed to have a bearing upon his economic doctrines. In consequence of this the orthodox followers of Marx have evolved a pretty definite political philosophy, which doubtless reflects the views of their master quite faithfully and rightly classifies him as a revolutionary socialist.

The great supporting beams of the Marxian economic synthesis were: (1) the doctrine of surplus value, (2) the doctrine of capitalist concentration, (3) the doctrine of class conflict, (4) the doctrine of the increasing proletarian impoverishment, (5) the doctrine of recurrent economic crises, and (6) the doctrine of economic determinism.

The essence of the theory of surplus value was that the true worth of every commodity is determined by the amount of socially useful labor put into it; in other words, that labor creates all value. The capitalist, since the Industrial Revolution the owner of the means of production, returns to the worker only so much of the value created by the worker as competitive conditions necessitate. The surplus he appropriates to himself and this constitutes his profit—a toll wrung from the grinding toil of the masses. Competition impels the capitalist to beat down the worker's wage to the lowest possible point. This can be more readily and fully accomplished in large-scale units of industrial organization. Hence, because of the larger profits in large-scale industry, there is a progressive tendency toward consolidation, which results in the concentration of capital in the hands of a very small class—the bourgeoisie. The poor grow poorer and the rich richer until finally the workers are impelled to organize and battle for their rights.

Then comes class war—proletariat against bourgeoisie. The struggle may be short or long, but in the end the capitalist system cuts its own throat. In the mad race for profits the industrial

system goes on expanding, seeking additional markets, increasing production, and cutting wages as far as possible. Sooner or later comes the time when there are no more markets, when supply far exceeds demand, and when the purchasing power of the workers is too low to help sustain the market. A crisis arrives, followed perhaps by the crash of the whole capitalist system, or, if not that, by measures of adjustment and recovery which are bound to have the effect of precipitating more serious and devastating crises in the future. When the final collapse comes, as it is sure to do, the proletariat will take over the industrial system and build a classless society in which capitalism and profits will be no more.

This outcome, Marx argued, was the inevitable culmination of economic evolution. The character and development of human society through all ages had been determined by economic forces. The ruling class at every stage was the one which controlled the production system. Subject classes striving to wrest this power from the hands of ruling classes had set in motion and kept going the perennial struggle of slaves against masters, plebeians against patricians, serfs against feudal barons, journeymen against master craftsmen, bourgeoisie against landed gentry, and finally proletariat against bourgeoisie. When the proletariat had succeeded, as economic law decreed it must, in overthrowing the bourgeoisie, the economic struggle would end, for the means of production would then be in the control of the producers themselves, the profit system would be abolished, and no group would have power to oppress another.

Now let us turn to the political ideas which went along with the Marxian economic philosophy. Government, Marx asserted, was an obstructive rather than a creative force in social evolution. It was the means whereby the ruling class imposed its will upon the subject classes and strove to maintain its privileged position in economic matters. Getting control of the state and utilizing the legal authority and patriotic sentiments associated with the state, the ruling class in every stage of social development has been able to make its will into a law for all—"a will," said *The Communist Manifesto*, "whose essential character and direction are determined by the economic conditions of existence of your [ruling] class." In that way the bourgeoisie had risen to supremacy in the modern world. "Each step in the development of the bourgeoisie," again

quoting *The Communist Manifesto*, "was accompanied by a corresponding political advance of that class. An oppressed class under the sway of the feudal nobility, an armed and self-governing association in the mediaeval commune, here independent urban republic (as in Italy and Germany), there taxable 'third estate' of the monarchy (as in France), afterwards, in the period of manufacture proper, serving either the semi-feudal or the absolute monarchy as a counterpoise against the nobility, and, in fact, corner stone of the great monarchies in general, the bourgeoisie has at last, since the establishment of Modern Industry and of the world-market, conquered for itself, in the modern representative State, exclusive political sway. The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie."¹

Once it succeeded in gaining control of the state, Marx contended, the ruling class made use of its legal authority to resist all major change. Changes could be brought about only by revolution or by political pressures of sufficient strength to force the ruling class to yield ground. Thus it occurred that political development always lagged far behind economic development, and was generally confined to narrow limits. The ruling class would yield only in cases where the change in question was not incompatible with its continued dominance as a ruling class. Radical and fundamental changes, therefore, must wait upon revolution. Revolution was certain to come, however, because the forces of discontent would eventually accumulate and break through all obstacles.

Revolution would come. Marx had no doubt of that. But how would it come? And what would follow? For those questions, too, he had confident answers. The proletariat must organize for political action and make revolution. "All the preceding classes that got the upper hand," declared *The Communist Manifesto*, "sought to fortify their already acquired status by subjecting society at large to their conditions of appropriation. The proletarians cannot become masters of the productive forces of society, except by abolishing their own previous mode of appropriation, and thereby also every other previous mode of appropriation. They have nothing of their own to secure and to fortify; their mission is to destroy all previous securities for, and insurances of, individual property.

¹ *The Communist Manifesto* in *A Handbook of Marxism* (E. Burns, ed., 1935), pp. 25-59

... All previous historical movements were movements of minorities, or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority. The proletariat, the lowest stratum of our present society, cannot stir, cannot raise itself up, without the whole superincumbent strata of official society being sprung into the air." Therefore "the first step in the revolution by the working class, is to raise the proletariat to the position of ruling class, to win the battle of democracy. The proletariat will use its political supremacy, to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the State, i.e., of the proletariat organized as a ruling class; and to increase the total of productive forces as rapidly as possible."¹

The dictatorship of the proletariat would be the first step, Marx said; but only the first. It would be necessary for the proletariat to seize the state to use it as an instrument of class domination in order to overthrow the bourgeoisie and destroy the capitalist system. The ultimate goal was not a proletarian dictatorship, but a classless society. That goal was unattainable, however, so long as the state survived, for the state by its very nature could never be anything but an organ of class rule. The proletariat would take over the state and use it as an implement to abolish capitalism and introduce collective ownership and control of the whole economic system. Then, "When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, public power will lose its political character. Political power, properly so called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, if, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms, and of classes generally, and will thereby have abolished its own supremacy as a class. In the place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all."²

¹ *Ibid.*

² *Ibid.*

The first step, in other words, would be state socialism, and the last step communism—absolute freedom from political authority or restraint, complete and perfected *laissez faire*, in a voluntary association of mankind in which there would be no economic struggle, no class antagonisms, because the production system would be held and used by all for all.

The struggle of the proletariat with the bourgeoisie would be at first a national struggle. “The proletariat of each country must, of course, first of all settle matters with its own bourgeoisie.”¹ In the long run, however, it would promote internationalism and develop into an international movement. “The working men have no country,” cried *The Communist Manifesto*.

“We cannot take from them what they have not got. Since the proletariat must first of all acquire political supremacy, must rise to be the leading class of the nation, must constitute itself a nation, it is, so far, itself national, though not in the bourgeois sense of the word.

“National differences, and antagonisms between peoples, are daily more and more vanishing, owing to the development of the bourgeoisie, to freedom of commerce, to the world-market, to uniformity in the mode of production and in the conditions of life corresponding thereto.

“The supremacy of the proletariat will cause them to vanish still faster. United action, of the leading civilized countries at least, is one of the first conditions for the emancipation of the proletariat.

“In proportion as the exploitation of one individual by another is put an end to, the exploitation of one nation by another will also be put an end to. In proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end.”¹

It takes no great effort of imagination to see why the political as well as the economic creed of Marx struck the world like a flaming religion. It *was* a religion even more than a philosophy, and was offered as a substitute for all existing loyalties. Patriotism was an emotional snare to enslave the workers; religion was “the opium of the people”; the family was a bourgeois institution for perpetuating property rights. The one supreme loyalty was loyalty to humanity as a whole, symbolized by the red flag, which proclaims the universal blood-brotherhood of man. Conversion to Marxism was like conversion to religion, and the convert acquired the same fanatical faith in the infallibility of the prescribed dogma. Impartial study

¹ *Ibid.*

and criticism have brought out many flaws in the Marxian theory, both economic and political; but to the orthodox Marxist these are as the arguments of infidels to the Christian who knows he has received the very Word of God.

The powerful appeal of Marxian thought was the result of several definite qualities which it possessed in contrast with other collectivistic philosophies. It was, in the first place, entirely a working-class philosophy, utterly uncompromising in its hostility to capitalism. It stood for *communism*, which meant the destruction of every shred of private ownership. Marx and Engels had considered using "socialist" rather than "communist" in the title of the *Manifesto*, and rejected it as too much associated with utopianism and various halfway reforms. Secondly, it appeared to be severely scientific. Its conclusions were based not upon ethical or moral considerations, but upon what were claimed to be demonstrated laws of economics and politics, borne out by the overwhelming testimony of history. Moreover, it adopted the evolutionary approach, scorning the empiricism of the utopian socialists and other idealists as unscientific, and claimed to have discovered the true principle of social evolution. Thirdly, it largely avoided the sand-trap of social reconstruction. Marx was exceedingly reticent about the organization and management of the new society, but fulsome and explicit as to the means of getting there. This unwillingness to peer into the future was a source of great strength to the Marxian movement. Opponents could not easily attack an undeclared program, and proponents could not quarrel about it among themselves. Marxist thought, therefore, was mainly concentrated on the attack upon the capitalist system, while anti-Marxist thought was obliged to meet this attack without much opportunity for counter-attack. Fourthly, it glorified class-war, presenting it not only as necessary to the overthrow of bourgeois tyranny but necessary to the fulfillment of the high mission of emancipation assigned to the proletariat in the scheme of social evolution. Fifthly, it combined a Machiavellian materialism with a millennial righteousness. The communistic society of the future would realize men's fondest dreams of equality, freedom, and justice; but it could be attained only by following the utterly non-moral laws of science. The end did not merely justify the means; it actually endowed them with a higher moral sanctity than the conventional canons of religion and ethics

which were as a rule antagonistic to communism. Nothing makes men more completely fanatical than belief in a cause which reverses moral standards and releases them from all traditional restraints and inhibitions.

Never has a system of social philosophy been subjected to a more furious barrage of criticism than the Marxian creed has had to face. Radical as well as reactionary, socialist as well as capitalist thinkers have trained their guns upon it and blasted away with might and main. For it has arrayed collectivist against collectivist almost as fiercely as collectivist against individualist. The Marxian theory of value has been shown to be true in part only; the Marxian dogma of economic determinism has been found inadequate in many particulars, even failing to explain all economic phenomena; the Marxian doctrine of class struggle has been proved to be inconsistent with the facts of history and with the actual structure of society; the Marxian prophecy of capitalist concentration and collapse has proved to have been much too confident; the Marxian concept of the state as primarily an implement of economic spoliation has been shown to be grossly one-sided; the Marxian formula of revolution and reconstruction has been shown to be mistaken and illusory. Despite all refutation, however, Marxism became and remains a powerful factor in the political and economic thought of modern times. All socialistic thought since Marx has been Marxian, anti-Marxian, or quasi-Marxian. And much of the anti-socialistic and non-socialistic thought since Marx has been devoted either to the refutation of Marx or the adaptation of certain Marxian ideas to alien uses.

Orthodox Marxism, until the Russian Revolution of 1917, had a somewhat uncertain career. Though its intellectual influence was great and steadily increased, it was unable to make headway in the world of practical politics. The first International Workingmen's Association, founded with the coöperation of Marx in 1864, lasted only ten years. Both its internationalism and its communism were too radical for the average member of the working class in all countries and yet too mild for rabid revolutionaries. The Second International, founded in 1889, had a longer but not more triumphant life. Its internationalism became so nominal, its communism so academic, and its revolutionism so dilute that it was denounced and repudiated by the Russian Bolsheviki, who, in 1919, established the Third International to take its place.

Leninism and Stalinism have proclaimed themselves the true successors to pure and unadulterated Marxism. They emphasize especially the revolutionary elements of the Marxian teaching, preach class war, practice terrorism under the guise of class war, aim at the overthrow of all capitalist governments, and defend proletarian dictatorship as a necessary expedient to effect the transition from capitalism to communism. They also follow Marx as to the necessity of breaking the hold of religion upon mass mind and as to the necessity of mass education to prepare the people for communism. The Bolshevik state is a proletarian state; the bourgeoisie have been disfranchised and largely driven into exile. Treason against the working class has been made as grave a crime as treason against the state. In some respects the Bolsheviks have gone beyond Marx; in some respects they have lagged behind or been deflected to un-Marxian paths. But Marx, if alive to-day, would undoubtedly find enough of Marxism in Soviet Russia to fill him with pride of fatherhood, would rejoice in the challenge she has flung into the face of the capitalist world, and would believe (as do his faithful disciples and also his most fearful adversaries) that the success of the Russian experiment and its extension to other countries will seal the doom of bourgeois society.

IV

Socialists either gulped down the whole Marxian gospel or differentiated themselves from that exciting cult. Those who chose the latter course were almost as deeply influenced by Marx as those who accepted him as master. The same was true to a very marked degree of those who steered clear of socialism altogether. Socialist or anti-socialist, one could not be indifferent to Marxism. Socialists who could not follow Marx were forced to face the Marxian challenge and construct a countervailing philosophy. Anti-socialists likewise had to meet and refute the Marxian system of thought, because it was the one variety of socialism which concentrated its attack upon the truly vulnerable aspects of capitalist society.

The great majority of socialists went over to the Marxian side and became theoretical Marxists. But there was great difference of opinion as to the practical implications of the theory. Socialists of revolutionary tendencies held rigidly to the doctrine of class war and insisted that the true Marxian goal could be reached only by

the complete overthrow of bourgeois society. The more moderate socialists, on the other hand, were deeply impressed by the evolutionary concepts of the Marxian credenda and felt that tactical considerations called for a non-revolutionary program of gradual and opportunistic reform. Thus developed the cleavage between the "orthodox" and "revisionist" schools of Marxian thought. Although the revisionists frequently forgot their Marxian philosophy altogether when it came to practical programs, it was a constant influence, sometimes positive and sometimes negative, upon their thinking.

Perhaps the most un-Marxian of the moderate socialists were the so-called "socialists of the chair," a group of German academicians and reformers who flourished in the seventies and eighties of the nineteenth century. These unmilitant theorists especially dissented from the materialism of the Marxian political economy. Their political economy was more a system of ethics than a mechanistic science. The function of economic science, they held, was to establish economic justice. Vigorously combating *laissez faire*, they argued that far-reaching governmental regulation of economic life, especially on the side of distribution, was necessary to the attainment of this end. They criticized the Marxian dictum that government is merely an instrument of class domination, holding that this could not be true of the democratic state. Their view was that the democratic state represented society as a whole and reflected its highest interests and qualities. Hence they felt that the democratic state could be entrusted with the task of promoting economic justice. Their program of practical reform included public education, governmental ownership and operation of utilities, social insurance, compulsory settlement of labor disputes, minimum-wage legislation, legislation against child labor, and many other reforms not now regarded as necessarily socialistic or even radical. They did not propose to do away with the profit system entirely or abolish private property.

Somewhat similar to the academic socialists of Germany were the Fabians in England. The Fabian Society was formed in 1884 by a number of British intellectuals who agreed with Marx on many points, but objected to his revolutionism. It was a highbrow movement from the start and had little direct contact with proletarianism until after 1900. Because of its revolutionary objectives, orthodox

Marxism had difficulty in gaining a foothold in Great Britain. The English labor movement was reformist rather than revolutionary in purpose, and there was sufficient political freedom in Great Britain to encourage the belief that the socialist goal might be attained through gradual methods. The opportunist strategy of the old Roman general, Fabius, seemed, therefore, exactly suited to English conditions, and it was to emphasize their devotion to Fabian tactics that socialist intellectuals in England, led by Frank Podmore and Edward R. Pease, founded the Fabian Society in 1883. George Bernard Shaw, Sidney Webb, H. G. Wells, Graham Wallas, and other distinguished figures later became members. Their chief aims were to educate the electorate along socialist lines and work for the victory of one small socialist reform after another until finally the whole campaign should be won.

Fabian thought, though stridently anti-Marxian in some respects, was much affected by various Marxian concepts and actually followed Marx more largely than is often supposed. The Fabians adopted Marx's historical method and generally accepted his theory of economic determinism, but arrived at different conclusions as to the direction and meaning of economic evolution. They observed, as he had observed, the growing integration of economic organization and agreed with him that large-scale industry had outmoded *laissez faire*. But they refused to deduce from this the Marxian conclusion that the emancipation of the working class could come only through revolution followed by a transitional dictatorship of the proletariat. The Fabians had great faith in democracy. As they interpreted history, democracy and socialism were coefficient forces. The extension and perfection of democracy would promote the growth of socialism. Economic evolution, as they analyzed it, was not only dispossessing the working class but tending also to eliminate the capitalist as owner and entrepreneur. Individualism was disappearing on both sides of the equation, and the contest in the future would be between collectivized labor and collectivized capital. The advantages of collectivized capital were so great that society could not afford to destroy it. Therefore, in a democratic state, the inevitable trend would be to subject it to increasing government regulation and control and ultimately to take over a large part of it as the proper possession of society.

The Fabians disputed the Marxian theory of value, and held that

value is the product not of labor alone, nor of the inexorable interaction of supply and demand, but of the whole process of social life. But they agreed with Marx that invested capital could have no proprietary right in the values created by economic processes and no valid authority over the income resulting from such values. Value was a social product and it was the duty of society to distribute the resulting income fairly among all the members of society. The state should be deemed the representative and trustee of all the people for the execution of this duty.

True to the policy of opportunism, the Fabians refrained not only from revolutionary activities but from totalism in every guise. It was bad tactics from their standpoint to try to destroy the old and install the new at one stroke. Step by step to socialism was the safe and sure technique to which they were committed. They concentrated on specific, and usually halfway, measures of taxation, public ownership, industrial regulation, and social amelioration. Many of them were prominent literary men who carried on ceaseless propaganda in behalf of socialistic reforms. Some went into politics and sought election to local or national legislative bodies as advocates of popular measures of reform. Some of them were influential in the formation of the Independent Labor Party, which, in turn helped to establish the Labor Party. The latter took over virtually the whole Fabian program and became in a sense the militant arm of the Fabian movement. Fabianism thus developed into a semi-proletarian movement, but it opposed revolutionism almost as vigorously as capitalism, discouraged class feeling, made room in its ranks for bourgeoisie as well as proletarians, and thus alienated the most radical elements of the working class. It is not going too far, however, to give the Fabian movement credit for a large part of the vast quantity of social legislation which has been enacted in England since the 1880's.

Revisionist parties developed in practically every European country; and many writers and thinkers joined in the attempt to construct a socialist theory alternative to revolutionary Marxism. In Germany Eduard Bernstein was the leading critic of the Marxian ideology. Bernstein's attack was directed against two Marxian tenets in particular—the theory of value and the materialistic interpretation of history. After exposing the contradictions between Marx's earlier and later writings on the subject of value, Bern-

stein endeavored to prove that Marx was unscientific in trying to make a case against capitalism on the theory that the degree of profit to the capitalist and injustice to the worker varies with the quantum of surplus value wrested from the latter. Bernstein was able to show that in many cases the most miserably paid workers were the very ones from whom the least surplus value was taken, and he argued, therefore, that something more than the return of surplus value to the workers would be necessary to effectuate social justice. In assailing the theory of economic determinism Bernstein did not deny the tremendous influence of economic factors in social evolution, but maintained that there were other factors of equal importance. He was, in fact, sufficiently Comtian in outlook to contend that conscious intellectual effort to translate ideas into desired results had always been and would always be an important factor in shaping the course of history.

Marx was convinced of the historical inevitability of socialism; Bernstein was not. Marx called upon the workers of the world to unite and assume the rôle assigned to them by the inexorable laws of economics. Bernstein called upon them to unite and change the course of social evolution, which, as he saw it, was not at all in the direction of the self-induced collapse of capitalism. The capitalist system, said he, was becoming constantly stronger and more stable; large-scale, corporate organization was diffusing rather than concentrating wealth; and the number of bourgeoisie in proportion to the proletariat was steadily increasing. Therefore capitalism had a good chance of becoming permanent and reducing the proletariat to lasting servitude. This tendency of capitalism must be resisted—but not by revolution. The proletarians were not strong enough for revolution. Their hope lay in the skillful use of the opportunities given them by democratic government. Let them unite and use their votes to secure reforms which would prevent the worst abuses of capitalism. Their own votes would not be enough, but by adroit maneuvers they might effect combinations with sympathetic elements among the bourgeoisie and thus add victory to victory until the socialist program was fully carried out.

Jean Jaurès, the great leader of the revisionist group in France, thought much like Bernstein. He agreed with Bernstein that Marx's theory of capitalist concentration was not in accord with the facts. The rich might be growing richer, but they were not growing less

numerous, and the moderately well-to-do were increasing in number. Nor were the poor growing poorer and more numerous, in Jaurès' opinion. Like Bernstein, he feared the coming of a capitalist society in which the workers, though perhaps somewhat better off materially than formerly, would be little more than serfs. With machines constantly curtailing the number of manual workers needed for production and the number of corporate shareholders, professional people, and small business concerns steadily increasing, Jaurès, in common with Bernstein and most of the other revisionists, felt that the ultimate prospect for the proletariat, if the capitalist system were allowed to follow its natural course of evolution, was just the opposite of what Marx had predicted. They agreed with Marx, however, that the progressive exploitation of the working class would tend to produce class conflict. This would occur, they reasoned, even though the general economic condition of the working class were improved, because the better their condition, up to a certain point at least, the more keenly would the workers be aware of the injustice of capitalism. The growing resentment of the working class might in the end lead to revolution.

But Jaurès did not advocate revolution any more than Bernstein. He sincerely hoped it might be avoided. The correct strategy for the working class, he declared, was for all working people to join hands in a proletarian socialist party and work for a thoroughly democratic system of government. The workers' party would find that it could gain the support of large numbers of the petty bourgeoisie who would have a common interest with the workers in suppressing certain evils of capitalism. Such a political alliance by one reform after another would be able gradually to eradicate the abuses of capitalism and transfer the control of the economic system from the bourgeoisie alone to the people as a whole. Where political democracy did not exist or could not be brought about, this strategy would be of no avail. Under such circumstances revolution would be the only recourse of the workers, and Jaurès recommended the general strike as the best way of making revolution.

The revisionists gained and held the ascendancy in socialist circles until World War I came along and knocked the whole socialist movement to pieces. The Second International fell under the control of revisionists, whose proletarianism and internationalism, though genuine, were secondary to their concern with national

socialist programs. Socialist political parties, dominated by revisionists, were formed in practically every country, and in Germany, France, Italy, and a number of the smaller European countries achieved enough political weight to secure the enactment of many items of their legislative program. In several countries they gained strength enough to hold the balance of power and occasionally slip into office. A number of the top-flight statesmen of modern Europe came from their ranks. The first World War spelled opportunity for the orthodox Marxists and catastrophe for the revisionists. Socialists were compelled to choose between loyalty to country and loyalty to proletarian principles. The revisionists with few exceptions put country first and socialism second, and as a result were swallowed up in a great tidal wave of economic imperialism. The orthodox Marxists put socialism first, denounced the war as a capitalist struggle, and went to jail in great numbers for subversive and anti-patriotic activities. But, when the Revolution came in Russia, the Bolsheviki, who were orthodox Marxians, had a program and a technique which enabled them to put the moderate socialists to rout and take possession of the Russian state. They regarded all revisionists as traitors to the cause of proletarianism, and proceeded at once to "purify" the socialist movement. They organized the Third International, to serve as a solid international front for uncompromising Marxian communists, and encouraged and aided the formation of communist parties all over the world. The Second International survived in an emaciated state which faithfully reflected the feebleness of the social democratic movement it represented.

V

Orthodox Marxism, though too revolutionary for moderate socialists, was too little so for proletarian minds eager to see immediate and sweeping results. These were largely attracted by such philosophies as anarchism and syndicalism. Anarchism, a doctrine of ancient origin and lineage, assumed a definitely proletarian character in the second half of the nineteenth century and inspired a militant working-class movement. Syndicalism, a hybrid of anarchism, Marxism, and labor unionism, was a late nineteenth-century development, originating in France and extending its influence to other European countries and to the United States.

Between philosophical and revolutionary anarchism there is a wide gulf. In the first half of the nineteenth century anarchism was widely embraced as a theory of ultimate and rational social destiny which the fullness of time would bring to pass. Such writers as William Godwin, Thomas Hodgskin, Pierre Joseph Proudhon, Josiah Warren, and Henry D. Thoreau extolled the intrinsic goodness of human nature and brought forth romantic visions of the perfect life which might exist in an anarchistic society. But they did not propose to do anything in particular to hasten the coming of the perfect order. Absolute individual liberty in a voluntary society was their ideal, but they did not regard it as immediately practicable or advocate aggressive steps to bring it about. Very different was the attitude of later anarchists, especially those two Goliaths of modern anarchistic dogma, Michael Bakunin (1814–1876) and Peter Kropotkin (1842–1921). These two and their followers were not content to do nothing more than make an intellectual argument for anarchism; they advocated revolution and made comprehensive plans for the reorganization of society by means of revolution.

Bakunin was the son of a Russian nobleman who had been deeply influenced by eighteenth-century liberalism and had reared his son in that tradition. Young Bakunin became an officer in the Imperial Guard and saw service in Poland, but resigned his commission and left the army because of the cruel and despotic measures used against the Polish revolutionaries. He went to Germany, where he studied Hegelian philosophy and came into contact with the leaders of various radical movements. Later he went to Paris and became acquainted with Proudhon and George Sand. By this time he was a full-fledged revolutionary and was actively participating in the plots of the Polish exiles. From Paris Bakunin proceeded to Switzerland, where he resided several years and took a prominent part in the socialist movement.

During his residence in Switzerland the Russian government ordered Bakunin to return home. He refused and as a penalty all of his property in Russia was immediately confiscated. Bakunin then went back to Paris and in 1848 published a violent attack on the Russian government. The French authorities promptly expelled him from Paris. He went to Germany and plunged headlong into the turbulent revolutionary struggle then going on in the German states. For his share in the Dresden uprising of 1849 he was arrested

and condemned to death. Because he was a Russian subject the death sentence was commuted to life imprisonment and he was handed over to the Russian government. He lay in prison until 1855, when he was permanently exiled to Siberia.

Bakunin escaped from Siberia in 1861 and made his way, through Japan and the United States, to England. After a short time he went again to Switzerland and resided there until his death in 1876. In 1869 Bakunin founded the Social Democratic Alliance, which was soon united with Marx's International Workingmen's Association. In 1872 the Marxists expelled the Bakunin faction from the International and Bakunin then became the recognized leader of the extreme left wing of the proletarian movement.

Bakunin was a prolific writer, mostly of tracts and pamphlets. No complete edition of his writings exists and the principal collections are in French, German, and Spanish. In English translation his best known work probably is *God and the State*, posthumously published in 1882.

Taking the evolutionary point of view, Bakunin started with the postulate that history reveals a progressive development of the human race from a condition of mere animal life toward one in which animal instincts and impulses are subordinated to intelligent principles and ideals. The central features of his thought were: (1) an aspiration for complete intellectual, political, social, and moral freedom; and (2) a belief in the natural solidarity of men. Religion, private property, and government he regarded as obstacles to the realization of these ideals. In the lower stages of development where restraint and coercion were necessary, they might be justified; but in an advanced society, they were not only unnecessary but positively harmful. "The liberty of man," he said in *God and the State*, "consists solely in this, that he obeys the laws of nature, because he has himself recognized them as such, and not because they have been imposed upon him externally by any foreign will whatsoever, human or divine, collective or individual."

Democratic government was just as objectionable to Bakunin as autocracy. The essence of the thing was the same, he said, whatever its form. Even by universal suffrage the many were subjected to the will of the few, and the invariable result was the exploitation of the workers by the owners of property. Private property, according to his theory, could not exist without the state, and the state could not

exist without private property. Each sustained the other, and each magnified the evils of the other. So long as either existed the working class would be ground down and dispossessed. Even with the right to elect their own officials the mass of people could not control the state, because the wealth of the propertied classes would be used to fool the voters into delivering the political mechanism into their hands. Religion sanctified the alliance of private property and political authority, and must therefore be regarded as equally immoral and equally an obstacle to the attainment of higher levels of moral and intellectual culture. "In a word," he said in summary, "we object to all legislation, all authority, and all influence, privileged, patented, official and legal, even when it has proceeded from universal suffrage, convinced that it must always turn to the profit of a dominating and exploiting minority against the interests of the immense majority enslaved."

In place of the existing order Bakunin proposed to substitute what he termed *federalism*, *socialism*, and *anti-theologism*. Others have called these three anarchism, collectivism, and atheism. Under Bakunin's program the state would be replaced by a free association of autonomous groups, each having the right of secession. In these groups all forms of property would be held in common and all operations of production and distribution carried on by voluntary coöperation. All members would be on the same footing, and there would be no attempt to apportion benefits according to individual differences in service to the group. Slackers and others recreant to their coöperative obligations would be punished by expulsion from the group. This penalty, thought Bakunin, would be so terrible that hearty and spontaneous coöperation would be fully insured. With the ideal of coöperation and equality firmly established, Bakunin visioned local groups combining to form regional associations and these federating in yet more general organizations until the whole civilized world would be covered with a network of voluntary bodies taking care of all the needs of life. The state would then be superfluous and anachronistic.

Evolution might ultimately produce such a society, but Bakunin preferred not to wait. Evolution was too slow. Revolution must come to its aid and clear the ground of all impeding obstacles. Not, however, revolution in the sense of indiscriminate violence and assassination. Bakunin thought of revolution as something to be

carefully planned and organized. Small secret societies of dependable anarchists would take the lead. Working through a coördinating center, they would launch the first uprising in the cities, each seizing control of a predetermined area. Having conquered the cities, they would then turn their attention to the rural districts. These they would try to win by persuasion, but would not shrink at violence if need be. No transitional period of state socialism or proletarian dictatorship would be needed or permitted. On that point, according to Bakunin, Marx was fatally wrong. Bakunin's plan was that the property appropriated by the revolution should be immediately distributed among the workers' groups, every precaution being taken to prevent the formation of anything resembling a political government. Only thus would the communistic system have a chance to get started.

Kropotkin was also a Russian nobleman, a prince in his own right. He was educated for the army and at the age of twenty became a military official in Siberia. In connection with his military training he became deeply interested in science. Wide reading also made him familiar with the liberal writings of the French encyclopaedists. In his Siberian post he desired administrative rather than strictly military work, and the only opportunity for this was in the field of geographical exploration. Kropotkin headed several geographical survey expeditions and made notable contributions to geographical knowledge.

Finally he became convinced that the army held no future for a man interested in social betterment, so he resigned his commission in 1867 and entered the University of St. Petersburg. Continuing his interest in science, he became secretary of the Russian Geographical Society. Gradually, however, he was drawn into radical political movements. In 1872 he joined the International Workingmen's Association, but found its socialism too mild for his taste and turned to anarchism. In 1874 he was arrested and imprisoned for subversive propaganda. He escaped from prison in 1876 and fled to England. From England he went to Switzerland, then to Paris, and then back to Switzerland. In 1881 he was expelled from Switzerland and after some wanderings took up his residence in France. In 1883 he was arrested on the order of the French government and served a term in prison. In 1886 he settled in England and remained there until the Russian Revolution of 1917. Returning to Russia,

he supported the moderate government of Kerensky. After the triumph of the Bolsheviks he retired from political activity and devoted himself exclusively to literary work. His death occurred in 1921.

Kropotkin was the author of many books and of innumerable articles and pamphlets. He was recognized as an authority on geography, Russian life and literature, and sociology as well as the outstanding theorists of anarchism in recent times. Kropotkin's principal works on the subject of anarchism were *The Place of Anarchy in Socialist Evolution* (1886), *The Conquest of Bread* (1888), *Anarchism: Its Philosophy and Ideal* (1896), *The State: Its Part in History* (1898), and *Modern Science and Anarchism* (1903).

Kropotkin, like Bakunin, was an evolutionist, but was a better scientist and therefore used the evolutionary theory more effectively than his predecessor. Geography was not the only science that Kropotkin knew. He was a student of biology and anthropology as well, and his geographical work was much influenced by his knowledge of those subjects. His theory of anarchism revealed the same influence. He believed, and marshaled an impressive array of biological and anthropological data to prove, that anarchy was in harmony with the true principles of natural social evolution.

Evolution, said Kropotkin, is not a steady and continuous march from lower to higher forms. In organic life, especially with human beings and human institutions, the factor of will must be taken into account. It is possible for a human being to assert his will in such a way as to impair or impede the natural and normal development of his body. It is likewise possible for human beings in society to use their wills to hold back the natural forces of social evolution. The forces of natural development strain to overcome such resistances, and finally a crisis occurs. In the human body this may take the form of an attack of illness in course of which the resistant factors are broken down and natural development proceeds on its way. In human society it may take the form of revolution, likewise breaking down the forces opposed to natural development and speeding it on its way. It followed, therefore, according to Kropotkin's reasoning, that revolution should not be viewed as abnormal and destructive but as a natural and necessary aid to evolution. He summoned history to testify that revolution had often cleared the way for the greatest eras of progress in the annals of mankind.

Most evolutionists had assigned to competition, struggle, and adaptive survival the leading parts in the drama of life-development. Kropotkin maintained that coöperation had been more important than any of these. Bringing to bear upon the subject a large knowledge both of biology and sociology, he emphatically argued that those individuals, species, and societies which best adapt themselves to environmental conditions are invariably distinguished by a pronounced faculty of coöperation. Nature favors coöperation and coöperative types, he said, and tends in the long run to eliminate competitive species and competitive societies.

Kropotkin had no patience with the common belief that without strong government the world would be plunged into chaos. "Accustomed as we are," he wrote, "by hereditary prejudices and absolutely unsound education and training to see Government, legislation and magistracy everywhere around,

"we have come to believe that man would tear his fellow-man to pieces like a wild beast the day the police took their eyes off him; that chaos would come about if authority were overthrown during a revolution. And with our eyes shut we pass by thousands and thousands of human groupings which form freely, without any intervention of the law, and attain results infinitely superior to those achieved under governmental tutelage.

"We know that Europe has a system of railways, 175,000 miles long, and that on this network you can nowadays travel from north to south, from east to west, from Madrid to Petersburg, and from Calais to Constantinople, without stoppages, without even changing carriages. . . . More than that: a parcel tossed into a station will find its addressee anywhere, in Turkey or in Central Asia, without more formality needed for sending it than writing its destination on a bit of paper. . . .

"All this was done by free agreement, by exchange of letters and proposals, by congresses at which delegates met to discuss certain special subjects, but not to make laws; after the congress the delegates returned to their companies, not with a law, but with the draft of a contract to be accepted or rejected.

"There were certainly obstinate men who would not be convinced. But the common interest finally led to agreement without need for the help of armies against refractory members.

"And the most interesting thing in this organization is, that there is no European Central Government of Railways! Nothing! No minister of railways, no dictator, not even a continental parliament, not even a directing committee! Everything is done by contract."¹

¹ P. Kropotkin, *The Conquest of Bread* (London, 1906), pp. 166-184.

Private property was, in Kropotkin's view, the greatest enemy of coöperation. It was the principal cause of the strife and discord which kept men from working together harmoniously in the conquest of nature and the building of a better world. The state, allied as it was with private property, was equally hostile to coöperation. In the early history of the race men had lived for centuries without the state, and its appearance upon the human scene had been unnatural and disastrous. It had displaced reason with unreason, justice with injustice, freedom with tyranny. The first and best law was custom; politically imposed law was not well suited to human conditions and was almost invariably the vehicle of economic exploitation. In order to reëstablish freedom and justice and equality, he asserted, private property and its ally, the state, must be destroyed. Institutional religion must likewise go, for it was naught but the handmaiden of political and economic oppression.

After the revolution, what? Kropotkin's answer was much the same as Bakunin's. Men would organize in voluntary groups along the lines of their social and economic interests. Property would be owned and enjoyed in common; all members would have equal rights and privileges; the only penalty for failure to live up to one's obligations would be expulsion from the group; differences would be adjusted by arbitration. No individual would be compelled to enter any coöperative group. The natural social instinct plus the desire to enjoy the benefits of coöperation would attend to that. Industrial groups would guarantee their members complete economic security and as much comfort and luxury as possible; individual members in return would agree to give a certain amount of service per day between their twentieth and forty-fifth or fiftieth years. Under such an arrangement Kropotkin believed it would be possible to produce more goods of a better quality than capitalism could ever hope to do.

Pointing to the large growth of powerful and successful voluntary organizations in business, education, philanthropy, and other lines of interest, Kropotkin argued that evolution was moving in the direction of a voluntary society. "To-day," said he, "when

"groups scattered far and wide wish to organize for some object or other, they no longer elect an international parliament of Jacks-of-all-trades. No. Where it is impossible to meet directly or to come to agree-

ment by correspondence, delegates versed in the question at issue are sent to treat, with instructions: 'Endeavour to come to an agreement on such and such a question, not with a law in your pocket, but with a proposed contract which we may or may not accept.'

"Such is the method of the great industrial companies, the learned societies, and the associations of every description, which already cover Europe and the United States. And such should be the method of an emancipated society. While bringing about expropriation, society cannot continue to be organized on the principle of parliamentary representation. A society founded on serfdom is in keeping with absolute monarchy; a society based on the wage system and the exploitation of the masses by the capitalists finds its political expression in parliamentarism. But a free society, regaining possession of the common inheritance, must seek, in free groups and free federations of groups, a new organization, in harmony with the new economic phase of history."¹

Kropotkin did not believe, however, that this final goal could be reached without a violent and destructive revolution. It was the vocation of the anarchist to hasten the coming of that necessary expedient. Conditions were such, he thought, that an uprising in one country would quickly spread through the world and thus speedily inaugurate the communist millennium.

Syndicalism, as has been indicated, was a blend of Marxism, anarchism, and labor unionism. The particular fusion of ideas which produced the syndicalist philosophy was doubtless the result of conditions peculiar to the proletarian movement in France. After its emergence in that country, however, syndicalism became an international force and exerted a strong influence upon the proletarian movement in general. Although the philosophy of syndicalism originated in the nineteenth century, its full development and practical influence did not come until after 1900. We shall therefore treat syndicalism more fully in connection with twentieth-century political ideas.²

The principal tenets of the syndicalist doctrine, as set forth by its two leading exponents, Fernand Pelloutier (1867-1901) and Georges Sorel (1847-1922), are: (1) that workers must unite not simply to get better wages and working conditions, but to become proprietors and masters of the industrial system; (2) that they must organize as a class without reference to craft lines and must keep their organizations separate from all other political, economic, and social movements; (3) that the labor union (*syndicat*) should

¹ *Ibid.*, pp. 45-46.

² See pp. 650-652.

be designed and developed to function both as an instrument for the overthrow of existing society and as a cell in the formation of the new society; (4) that uncompromising and unceasing war must be waged against the profit system; (5) that the tactics employed by the workers in carrying on this struggle should be of the nature of "direct action"—the general strike, sabotage, the boycott, and the union label were especially advocated because they could be used without sacrificing the independent position of labor; (6) that private property must be abolished and the state overthrown, after which the workers' unions would take over the equipment of industry and carry on the processes of production and distribution.

VI

By the middle of the nineteenth century the old political radicalism had subsided to a mild and genial breeze. The raging whirlwind which had terrified conservatives like Burke had passed high overhead and left the old order pretty much intact. Private property was still safe and secure; liberty, for those who could use and enjoy it, was amply buttressed by constitutional limitations; and the masses, though they had the right to vote and hold office, were showing little inclination to run amuck. The world still belonged to the rich and well-born; the triumph of *laissez faire* had merely opened the doors for the newly rich and the newly well-born to move in beside the ancient grandees and share the management of society. Just at this juncture, when conservative souls were beginning to breathe again and congratulate themselves on their narrow escape, the red menace of proletarianism showed its fearsome visage and threw the substantial gentry into another fit of alarm. The Moloch of revolution was not dead, it seemed, but sleeping.

It was not the enthusiastic response of the working people to the proletarian philosophies that made them so terrifying. There was no such response. Orthodox Marxism was never able to recruit more than a handful of followers in any country save Russia. Anarchism made fewer avowed converts than Marxian communism. Syndicalism gained a considerable body of adherents, but they were a minority even in the labor movement. Nor did the moderate socialism of the revisionists and other non-revolutionary collectivists generate sufficient appeal to do more than create minor political parties.

The real causes of the fears engendered by the proletarian challenge were: (1) that it laid bare the worst aspects of capitalist society, thus putting the existing system on the defensive; (2) that it concentrated its attack upon private property and political authority, the two indispensable bulwarks of capitalism; (3) that it proposed alternatives to capitalism, which, though unproved and possibly quite impracticable, promised the working class more than any reforms capitalism could adopt without self-destruction; (4) that it seized the weapon of materialism and turned it against the social order which had made it powerful and deadly; (5) that it counseled the complete abolition of capitalism and called upon the proletariat to use the most ruthless Machiavellian tactics to that end; (6) that it fomented discontent and spread subversive ideas among the whole working population regardless of the fact that the number actively entering into radical proletarian movements was small.

That these fears were justified, the march of events in the twentieth century has made abundantly plain. Proletarianism, though not always following the paths marked out by its major prophets or literally adhering to their doctrines, has become a mighty and aggressive force against which capitalism is obliged to battle for its life. For bringing on this fateful struggle the proletarian philosophies of the nineteenth century must receive a large measure of whatever praise or blame is to be bestowed.

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CHAPTER XXVIII
THE NEW NATIONALISM

I

THERE has been something akin to nationalism ever since groups of human beings first became conscious of things setting them apart from others and binding them fast together among themselves. Before there were nations there were tribes, and before tribes many varieties of less formal groupings in which the awareness of kinship and community as against outsiders generated tremendous emotions. The gang spirit has pervaded mankind from the very earliest times. Nor have the underlying causes of cleavage between group and group ever been fundamentally different from those which separate the modern world into contentious and warring national states. In all ages the chief differences tending to breed antagonism to other peoples and loyalty to one's own have been race, language, religion, culture, and domain. But there were countervailing forces in the ancient world and in the modern world before the eighteenth century, which operated to restrain the growth of nationalism and retard the permanent formation of typically national communities.

For many generations in the early history of civilization tribalism was prevented from developing into virulent nationalism by the isolation and relatively infrequent contacts of alien peoples. When advancing civilization brought closer relationships, the same result was achieved by the generally recognized need of intertribal intercourse in order that each people might gain from others the various independently developed arts and crafts by which the conquest of nature could be insured. With the next stage of development came the great military empires of Egypt, Babylon, Assyria, Persia, China, Macedonia, and Rome, which largely obliterated the older social structures and again delayed the emergence of full-fledged nationalism. In addition there occurred, sometimes simultaneously with the formation of these vast dominions and sometimes subsequently as one of the end-results, the growth of widely disseminated religions and languages which further impeded the upthrust of national spirit.

Despite all these obstacles, however, there were occasions in those older chapters of the human story when something very like modern nationalism did crop out. There were times when the Egyptians, the Jews, the Persians, the Greeks, and the Romans displayed a genuine national consciousness and were animated by a deep patriotic fervor. There were also times during the Middle Ages when such peoples as the English, the Spaniards, the French, and the Italians evinced a truly national psychology. But these manifestations of nationalism did not last. Not until the end of the fifteenth century had the forces opposing nationalism weakened sufficiently to permit the progressive growth of essentially national political organisms. And not until near the end of the eighteenth century were conditions ripe for a universal outburst of nation-making.

Early nationalism was a compound of geographical integration and racial, linguistic, and cultural affinity, reinforced now and then by a common religious faith or an imposing dynastic establishment or both. During the sixteenth, seventeenth, and eighteenth centuries, under the convoy of these mounting influences, made doubly potent by the gradual enfeeblement of all contrary forces, nations multiplied and grew strong. But the essence of their nationalism was neither political nor economic. Political nationalism did not appear in full bloom until the French Revolution, and economic nationalism did not arrive until the Machine Age had immoderately quickened the intensity of international economic rivalries.

Patriotism, as we know it to-day, was greatly quickened by the French Revolution. Destroyed by that terrific cataclysm were the monarchy, the aristocracy, the authoritarian church, and all other institutions making against the fusion of the Gallic people into a glowing union for Liberty, Fraternity, and Equality. Love of country was assimilated to those grand ideals of the Revolution. The patriot loved his country because it was his native land, its people his people, its life his life, but he loved it most of all because it represented the social incarnation of the noblest and purest aspirations of the human heart. The nationalism of Revolutionary France was as contagious as smallpox. From 1789 to the 1860's the European and American continents were the scene of a continuous succession of both bloody and bloodless revolutions inspired by the

great triune creed of freedom, democracy, and nationalism. National independence and unity, individual liberty, and popular sovereignty were the high causes for which men invoked the sword or the ballot box and demolished the ancient order.

*One flag, one land, one heart, one hand,
One Nation ever more!*

was the grand ideal not only of the American people for whom the fervent Dr. Holmes wrote *The Voyage of the Good Ship Union*, but of every people who had seen the glory of this new humanism. All loyalties must be subordinated to national loyalty; all distinctions of class or creed or locality must be wiped out; all institutions must be made subservient to the will and the welfare of the nation as a whole.

Up to 1880 or thereabouts nationalism was closely identified with the crusade for free and democratic government. Nationalism and liberalism marched shoulder to shoulder. Everywhere the foremost leaders in the cause of national independence and unity were also the outstanding champions of democracy and constitutional government. Reactionary thinkers like Maistre and reactionary statesmen like Metternich set themselves implacably against the tide of nationalism. It was the enemy of everything they stood for; the destroyer not alone of universal authority of every kind, but, they felt, of all of the great social and moral values which might be derived from universality and cosmopolitanism in church, empire, and aristocracy. Even Napoleon, whose dreams of universal dominion knew no bounds, camouflaged his grandiose designs with conspicuous genuflections at the altar of nationalism and posed as a liberator of peoples and a leveler of classes. The nationalism of this stormy epoch produced an epidemic of sanguinary wars, both inter- and intra-national—wars in the main, however, of political consolidation, self-determination, and liberalization, and not primarily of economic aggrandizement and expansion.

But after the middle of the nineteenth century, and especially after 1880, the motivation and likewise the philosophy of nationalism underwent a profound change. With national independence and liberal, if not wholly democratic, government widely achieved, national aspirations and interests began to center about economic considerations. This tendency was much accelerated and national

antagonisms fanned to the flaming point by the onrushing industrial and commercial revolution which pitted nation against nation, capitalistic entity against capitalistic entity, in a mad scramble for materials and markets. Then emerged a new nationalism which proclaimed the right of a nation not only to *be* but to *grow*, to gain "a place in the sun," to fulfill its "manifest destiny," to "take up the White Man's Burden," to carry on its *mission civilisatrice*. National self-sufficiency, meaning not only sufficiency for security and independence but sufficiency for any self-determined program of development, became the driving motive of national policy. Liberalism, though profusely acknowledged, was largely forgotten when politicians came together behind the doors of chancelleries and conference rooms. The most uncompromising of reactionaries became the most ardent of nationalists. Big business and propertied interests were not slow to see that the national state could be an invaluable ally in the struggle for survival and expansion. So nationalism grew into economic nationalism which in turn flowered into economic imperialism.

The new nationalism even more than the old was a breeder of wars--trade wars, tariff wars, currency wars, shipping wars, and concession wars as well as wars of shot and shell. In truth it turned peace into war; for the psychology of the economic warfare which now filled the non-violent intervals between periods of armed conflict was hardly less belligerent than that of war. Peace, from the opposite of war, was transformed into a mere prelude to or prolongation of military hostilities, and was characterized by virtually the same emotional atmosphere. Yet the moral ideals of the earlier nationalism continued to be avowed and held before the world as the hallmark of national aims and character. Not that the new nationalism lacked expounders to equip it with rational and moral justification. Able apologists it had in abundance, but their doctrines, though cogent and credible, so violently discarded the conventional ethics as to be unwelcome to any but the most frankly imperialistic peoples. So when the great ordeal of battle came in the year 1914 it was the old rather than the new nationalism which furnished most of the shibboleths. But it was the new nationalism that fought the war and made the peace. And it is the new nationalism, beyond any question, which now propels the world toward another general massacre.

II

Many as were the prophets of the new nationalism, hardly more than two or three can be ranked as genuine political philosophers. Mostly they were militarists, colonizers, journalists, orators, poets, and politicians whose appeal was to the emotions rather than the mind. Mostly, in fact, they had neither the equipment nor the inclination to do otherwise. For the new nationalism could not be defended on traditional intellectual grounds. Prevalent ideas of the nature of the state, approved canons of political ethics, and the democratic principles of self-determination and popular sovereignty all had to be consigned to the scrap-heap, and a new political synthesis provided. For this task not many who spread the seed of the new nationalism had the necessary qualifications of intellectual and moral courage.

Among the late nineteenth-century theorists whose writings contributed to the new philosophy of nationalism mention should be made of Alfred T. Mahan, the American naval officer who aroused national consciousness to the importance of sea power as a factor in the growth of empire; Sir J. R. Seeley, the English historian, who championed the imperial expansion of Britain with a logic that the *Encyclopaedia Britannica* declared "unanswerable"; Bernard Bosanquet, the English political theorist who adopted the Hegelian view of the state as the sublimation of all virtue and authority, arguing that the state may "legitimately do whatever is required for the preservation and improvement of the organized life of the community, and is the sole judge of what is so required"; Benjamin Kidd, the English sociologist, whose book, *Control of the Tropics*, attempted a scientific justification of the subjugation of backward peoples; Ludwig Gumplowicz and Gustave Ratzenhofer, the Austrian sociologists, who distinguished between superior and inferior races and exalted war as a valid and necessary process in fulfilling the natural and divinely appointed destiny of superior peoples; and the German philosopher Friedrich Nietzsche, whose lyrical gospel of the "super-man" tended to inspire that of the super-nation.

None of the foregoing, however, or the many others who contributed to the new philosophy of nationalism, can be placed on the same plane with Heinrich von Treitschke, the famed professor of history and politics at the University of Berlin from 1874 to 1896.

Treitschke it was, more than any other political thinker, who rounded the new concept of nationalism into a coherent system of principles which the world could not ignore and would not reject. It was almost inevitable that the most complete and closely reasoned philosophy of super-nationalism should come out of Germany. The intellectual soil of the Fatherland had been plowed and harrowed for that crop by Fichte and Hegel, whose idealization of the state as a super-being endowed with almost divine personality had produced a widespread belief in the state as a supreme moral entity, veritably an end in itself. Further fostering this exaltation of the state was the late and highly dramatic coming of national unity in Germany, which aroused an ecstatic patriotism and a correspondingly powerful faith in the mission of the new German state not only in the consummation of German nationhood, but also in putting Germany at once on an equal footing with the greatest nations on earth. Treitschke was the child of his time and country.

Treitschke was born at Dresden in 1834, the son of an officer in the Saxon army. An accident in early youth resulting in well-nigh total deafness kept young Treitschke out of military service and caused him to compensate his incapacity in that respect by an eager and zealous application to the study of history, economics, and political science. After studying at several German universities, he became a lecturer in history at the University of Leipzig in 1857. Later he taught at Freiburg and Heidelberg and in 1874 began his long and distinguished career at the University of Berlin. Treitschke was a dynamic and convincing teacher, and his lectures possessed intellectual and literary qualities which attracted an enormous following. He was perhaps the most celebrated and popular German university professor of his day. He was also active in politics, serving several terms in the Reichstag, and was for many years the editor of a nationally read political journal. Treitschke's most important books are: *German History in the Nineteenth Century* (1879-1894), *Historical and Political Essays* (1886-1897), and *Politics* (1897-1898). The last named, a posthumous compilation of his university lectures on political science, contains the fullest and best statement of his theory of nationalism. Treitschke died in 1896.

In his early years Treitschke was classed as a liberal, and was a forthright opponent of the reactionary Bismarck. But, as he grew older and more intensely nationalistic, he seems to have shifted

ground. In the end he was Bismarck's staunchest supporter, and there is justice in the charge that he stood forth as the unrelenting enemy of every form of liberalism. Upon examining Treitschke's political philosophy, however, we shall perceive that his change of front was more of the surface than the substance of his thought. Treitschke took Aristotle as his model and grounded his views upon the basic precepts of the immortal Father of Political Science. He was also influenced, more deeply perhaps than he knew, by Machiavelli. Easy indeed would it be for one enveloped in the impenetrable silence which surrounded Treitschke's life to imagine himself a cold intellect surveying and analyzing the contemporary political scene with the disembodied insight of an Aristotle or a Machiavelli.

Treitschke started, as Aristotle started, with the assumption that man is by nature and necessity a political animal. "We can imagine humanity," said he, in the first chapter of his *Politics*, "without a number of important attributes; but humanity without government is simply unthinkable, for it would be humanity without reason. Man is driven by his political instinct to construct a constitution as inevitably as he constructs a language."¹ Taking that to be a fact, it must follow, he went on to say, that the political institutions of a people, like its language, reflect the peculiar genius of its inner life and likewise the adjustments it has made to external circumstances. The state is the legal embodiment of a people as a natural political fact. It is the legal manifestation of their corporate unity and independence. Not only is the state a legal entity; it is an historical entity as well. Such a union of people as is seen in the state cannot be created by mere contract; it is the result of living together generation after generation. Man is a political animal because he is born into a society built by countless generations of forebears, and finds himself obliged to live in that society and transmit it, with such modifications as may be added in his generation, to endless posterity. Each generation is heir to the past and trustee for the future. It is not the right of a single generation, said Treitschke, to dispose of things political to suit itself alone.

The state, according to our Teutonic Aristotle, represents this historico-moral and politico-moral aspect of human society. From

¹ *Op. cit.* (trans. by Dugdale and de Bille, 2 vols., 1916), Vol. i, p. 3.

the juridical standpoint it is a legal person, but from the standpoint of political science it is far more than that. "States must be conceived," quoting again from the *Politics* of Treitschke, "as the great collective personalities of history, thoroughly capable of bearing responsibility and blame. We may even speak of their legal guilt, and still more accurately of their individuality. Even as certain people have certain traits, which they cannot alter however much they try, so also the State has characteristics which cannot be obliterated."¹ Having personality, the state must necessarily have the one outstanding attribute of personality, namely, will. And since the state must be regarded as *the* great collective personality, it must have "the most emphatic will that can be imagined."¹

Upon this foundation Treitschke proceeds to erect his philosophy of nationalism. If the state is a person, he asserts, "the necessary and rational multiplicity of States follows."² The fact of personality necessarily implies the existence of other personalities; for personality involves ego and will, qualities which cannot exist *in vacuo*. Ego and will must be asserted against other beings having the same qualities of personality or they become nothing but words. The idea of a universal state is, therefore, in the able professor's opinion, preposterous. "In a single State," he reminds us, "the whole range of culture could never be fully spanned; no single people could unite the virtues of aristocracy and democracy. All nations, like all individuals, have their limitations, but it is exactly in the abundance of these limited qualities that the genius of humanity is exhibited. The rays of the Divine light are manifested, broken by countless facets among the separate peoples, each one exhibiting another picture and another idea of the whole. Every people has the right to believe that certain attributes of the Divine reason are exhibited in it to their fullest perfection."²

Nature has assigned to the state, Treitschke explains, a twofold function. On the one hand it supplies the legal unity and armed force which maintain law and peace and order among the "manifold and eternally clashing interests of society"; on the other it preserves and defends the independence of its people against external aggression. In performing this function it assumes the "rational task of a legally constituted people, conscious of a destiny, [which is] to assert its rank in the world's hierarchy and in its measure to

¹ *Ibid.*, p. 17.

² *Ibid.*, p. 19.

participate in the great civilizing mission of mankind.”¹ Obviously the state cannot execute this function unless it has power to choose its own course and compel submission on the part of its subjects. The essence of the state, therefore, “consists in its incompatibility with any power over it.”² This attribute of unqualified sovereignty is so rooted in the nature of the state that it may be deemed the “very standard and criterion” of state existence. Moreover, it carries the fundamental moral implication that the state “cannot legitimately tolerate any power above its own”² and the equally fundamental moral and political implication that it must of right enjoy “a temporal freedom entailing a variety of material resources adequate to its protection against hostile influences.”²

Here we arrive at the heart of Treitschke’s imperialism. Without equivocation did he assert that the intrinsic nature of the state gives it the right to be self-sufficing. By this he meant and emphatically declared that it has the right to be large enough to insure the continuance of the race and adequate in man-power and economic resources to “assert its native strength as against any given group of neighbors.”³ Otherwise, he maintained, it would always be “on the verge of losing its characteristics as a State.”³

Was this a downright extenuation, ignoring all moral considerations, of the right of might? Treitschke did not think so. Machiavelli’s mistake, he thought, had been his failure to perceive that political power is not an end in itself, but an agency of that higher morality which looks to the utmost welfare of mankind. For clear thinking, he contended, it must be understood that “the moral benefits for which we are indebted to the State are above all price.”⁴ It is evident beyond dispute, he says, that culture “matures more happily in the broader conditions of powerful countries than within the narrow limits of a little State”;⁵ that “the material resources favourable to Art and Science are more abundant in a large State”;⁵ and that history proves that “in the normal course of a people’s development the zenith of its political power coincides with that of its literary excellence.”⁵ The small state can perform no service to mankind equal to that of a great commonwealth, and “The entire development of European polity tends unmistakably to drive the second-rate Powers into the background. . . . On closer examination then, it becomes clear that if the State is power,

¹ *Ibid.*, p. 22. ² *Ibid.*, p. 26. ³ *Ibid.*, pp. 31–32. ⁴ *Ibid.*, p. 34. ⁵ *Ibid.*, p. 36.

only that State which has power realizes its own idea, and this accounts for the undeniably ridiculous element which we discern in the existence of a small State.”¹ Hence the supreme morality of ultra-nationalism.

Having thus supplied an ethical basis for imperialism, it was inevitable that Treitschke should try to make a case for the political tactics by which imperialism seeks its ends. Because of its sovereignty, he reasoned, no state can be absolutely bound, legally or morally, by any form of international agreement. Were it otherwise, the state would lose its power of self-determination and thus cease to be sovereign. When a state enters into a treaty, it has not bound itself irrevocably. It does no more than adopt a voluntary self-restriction, involving the implied reservation that it may be repudiated at will. The parties to every treaty know they cannot contract away their sovereignty and still remain states. Hence there can be no justification for charges of broken faith, immorality, or even illegality, if one of them decides to renounce the agreement. Treaties are made to gain certain values, and every state must be its own judge of whether a treaty remains effective for those purposes. This right cannot be challenged; for every sovereign state undoubtedly has the right at any time to declare war and thus terminate a treaty. Granted that right, it must be admitted to have the inferior right of termination without resort to war.

Though proclaiming that “the ideal towards which we strive is a harmonious comity of nations, who, concluding treaties of their own free will, admit restrictions upon their sovereignty without abrogating it,”² Treitschke had no confidence in arbitration or any other form of international conciliation involving submission to any authority or judgment external to the state itself. “When a nation’s existence is at stake,” he wrote, “there is no outside Power whose impartiality can be trusted. . . . It is, moreover, a point of honour for a State to solve such difficulties for itself. International treaties may indeed become more frequent, but a finally decisive tribunal of the nations is an impossibility. The appeal to arms will be valid until the end of history, and therein lies the sacredness of war.”³

The sacredness of war! Is the man a fiend? Sanctity in mass murder! Can he defend so monstrous a doctrine as that? He can and does. “The State,” he protests, “is not an Academy of Arts. If

¹ *Ibid.*, pp. 33–34.

² *Ibid.*, pp. 27–28.

³ *Ibid.*, p. 29.

it neglects its strength in order to promote the idealistic aspirations of man, it repudiates its own nature and perishes. This is in truth for the State equivalent to the sin against the Holy Ghost. . . . However flexible the conception of sovereignty may be, we are not to infer from that any self-contradiction, but rather a necessity to establish in what its pith and kernel consists. Legally it lies in the competence to define the limits of its own authority, and politically in the appeal to arms. . . . A defenceless State may be termed a Kingdom for conventional or courtly reasons, but science, whose first duty is accuracy, must boldly declare that in point of fact such a country no longer takes rank as a State. This, then, is the only real criterion. The right of arms distinguishes the State from all other forms of corporate life, and those who cannot take up arms for themselves may not be regarded as States. . . .”¹

To a critic of his militarism Treitschke would have replied that he was not a chauvinist but a realist; that he was not glorifying war but simply pointing out the fact that states lacking the right and the capacity to make war have for all practical purposes lost the quality which makes a state a state, and the further fact also that states lacking the will and the means to achieve self-sufficiency are on the road to extinction. Only through military power, he was convinced, could a state preserve its statehood and fulfill its appointed destiny.

Treitschke's shift from liberalism to reactionism scarcely appears to be a reversal when we grasp his conception of political society. The condition of man in the state, he affirmed, is one of mutual interdependence, this interdependence being the consequence of the natural and inevitable inequality of men as to ability, property, attainments, and everything else. You cannot have human intercourse, he said, without various and infinite manifestations of inequality in family relations, economic conditions, class rivalries, and what not. It must be conceded, therefore, that the state presupposes inequality. Even though it would, the state cannot banish inequality, and that is not its function. The true function of the state, according to Treitschke, is to bind men together despite their inequalities and antagonisms, and to maintain a balanced and orderly society. “In short,” as he put it, “all social life is built upon class organization. Wise legislation may prevent it from being oppressive

¹ *Ibid.*, pp. 25–30.

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and make the transition from class to class as easy as possible, but no power on earth will ever be able to substitute a new and artificial organization of society for the distinctions between its groups which have arisen naturally and automatically.”¹

Treitschke was a liberal in the sense that he favored “wise legislation” to mitigate the evils of inequality as far as possible, but a reactionary in the sense that he opposed all attempts to sweep away the class system entirely. All in all he thought that the conditions of mutual interdependence under which political society exists tends naturally in the direction of aristocracy. “To put it simply,” said he, “the masses must forever remain the masses. There would be no culture without kitchen maids. Obviously education could never thrive if there was nobody to do the rough work. Millions must plough and forge and dig in order that a few thousands may write and paint and study. It sounds harsh, but it is true for all time, and whining and complaining can never alter it.”¹ Not only did Treitschke think class distinctions ineradicable; he also believed them to be desirable and beneficial. “It is precisely in the differentiation of classes,” he stated, “that the moral wealth of mankind is exhibited. The virtues of wealth stand side by side with those of poverty, with which we neither could nor should dispense, and which by their vigor and sincerity put to shame the jaded victim of over-culture. . . . Want is a relative conception. It is the task of government to reduce and mitigate distress, but its abolition is neither possible nor desirable.”²

It was not Treitschke’s belief, however, that the state should be used as an organ of class domination. On the contrary, he was most emphatic in the declaration that it should stand above all social antagonisms, maintaining unity and order and meting out justice. In so doing it would necessarily take human beings as nature had created them and treat them as nature required. But it was not Treitschke’s opinion that the state should compass the whole life of its people. The Hegelian concept of the Leviathan state absorbing the whole of social existence did not make sense to him. The only purpose of the state, he said, was “to surround the whole, regulating and protecting it.”³ Thus, although the state did not swallow up the whole of society, it did perform a service of transcendent importance. For it was only through the state, he believed, that the

¹ *Ibid.*, pp. 41–42.

² *Ibid.*, pp. 44–45.

³ *Ibid.*, p. 53.

great natural forces by which a people must build its culture and achieve its destiny could be harnessed and made to work. Because of this belief in the crucial importance of the state, Treitschke severely condemned Jews, Catholics, socialists, and all other groups which stood apart from complete coalescence with the body politic.

III

The sturdy old pedagogue of Berlin is generally accounted the most influential political thinker of imperial Germany. The stamp of Treitschke's philosophy upon the German political mind since 1870 is as clear as the statecraft of Bismarck and Hitler. Nor have the effects of this exaltation of the national state been confined to Germany alone. National spirit has permeated the world, and champions of virulent nationalism in many other countries have appreciated the power of Treitschke's ideology and have made effective use of it. The new nationalism held the center of the stage in Nazi Germany, Fascist Italy, and militant Japan, and has been somewhat more than a negligible influence in the policies of Russia, Great Britain, France, and the United States.

True, there emerged in the latter part of the nineteenth and the first years of the twentieth century a vigorous and hopeful internationalism. Movements for the development and perfection of international law, organizations for the promotion of peace, and agencies of international adjustment and conciliation sprang up in great numbers. A vast and eloquent literature of internationalism came into being during the same period. Hundreds of books and pamphlets were written on the theme that war is not only the great curse of civilization but the supreme insanity of mankind, fatal alike to victor and vanquished. The various biological, psychological, sociological, and economic arguments for war were examined and refuted. Nationalism was put in the dock and condemned as the enemy of peace, security, progress, and prosperity.

But in spite of all this valiant endeavor to down it, the new nationalism prevailed. It brought on World War I; and, regardless of all efforts, following the War, to implement the world for international coöperation, it could not be suppressed. It dominated the Peace Conference, emasculated the League of Nations, debilitated the World Court, made a mockery of the Kellogg-Briand Pact, wrecked a long series of disarmament conferences, and set the stage

for a new Armageddon. First among the gods was Mars, and Treitschke was his prophet.

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CHAPTER XXIX

DISILLUSION

I

THE morning sun of January 1, 1901, illumined a hopeful, if not entirely happy, world. Few regretted the passing of the nineteenth century. Few had serious misgivings about the future. The nineteenth had been a stupendous century. No hundred-year span in the whole human record had been more crammed with significant and memorable things. The first half of the nineteenth century had been a period of unprecedented storm and confusion—of general war and of social, economic, and political revolution. But the second half of the century had been different. Although there had been a continuation of travail and ill-adjustment, although there had been no cessation of deep-working changes and innovations, there had been marked slowing of the tempo of violent conflict. This gave men faith and courage to face the future. The Victorian Era may have been just a momentary pause in the onrush of the hurricane of social forces, but to those who experienced its peace and prosperity it was a warrant of confidence in better things to come. It was reasonable to hope and believe, after fifty years of relative quiet, that the new century could not fail to bring greater material progress and also greater harmony among men.

Looking back with the wisdom of hindsight sharpened by the ordeal of two world wars, we can see now that the optimism which prevailed at the turn of the century was scarcely justified by the facts. Beneath the surface all through the Victorian Era, and not always wholly beneath, were signs to warn the thoughtful observer of trouble ahead. Bitter national rivalries several times threatened to precipitate a general war. The storm did not break, but the demonic forces of nationalism went uncurbed. Men could have seen that this was true, but very few did. Men could have seen and did see that great armies and navies were being created on every hand, portentous instruments of destruction; but they chose to believe that all of these ominous preparations would lead not to a trial of strength but to an equilibrium of forces and a stabilization

of the existing order. In such a setting of unexampled peace and prosperity as that in which the nineteenth century closed, it was hard to believe that nations ever could be insane enough to use their power to destroy everything that had made them great.

This illusion was no doubt strengthened by the economic prospects of mankind at the turn of the century. Never had they seemed more propitious. The hard times of the nineties had passed, and all signs seemed to point to a long and bountiful period of business expansion. Currencies had been stabilized throughout the world and virtually standardized. Unemployment had been largely wiped out in all countries, and the menacing radicalisms which had raised their heads in preceding political and economic crises seemed to have subsided. Such mutterings of discontent as were still heard among the agrarian and laboring classes could be dismissed as rumbling echoes of dangers now receding into the past. Despite increasingly nationalistic tariffs and other trade restrictions, world trade was on the boom and world finance was ready and eager to underwrite it. Though admittedly economic rivals, national states could not carry economic rivalry to its ultimate political conclusions without risking the loss of all economic security. This seemed unthinkable.

Most misleading of all were the apparently golden prospects of democratic government. Democracy seemed to be winning on every front and evolving gradually a vigorous perfection. Great Britain, France, the United States, and many lesser countries could be regarded as full-fledged, if not entirely perfect, democracies. Even in Italy, Germany, Russia, Japan, and other ancient strongholds of despotism, visible progress toward democratization was thought to be in evidence. That popular self-rule was soon to be the boon of mankind throughout the world could hardly be doubted. And who could believe that democracy was not the surest and quickest road to the universal brotherhood of man?

Yet it was a fact that the twentieth, unless it turned out to be unlike all preceding centuries, could never be much more than an heir of the past. The twentieth inherited from the nineteenth, the eighteenth, and all former centuries certain societal structures, certain cultural trends, certain material modes and means of action, and certain sets of ideas. Could the twentieth century escape its heritage? Could it break sharply with the past and

march in wholly new directions? Could it realize only the dreams and none of the despairs of its progenitors? Multitudes of people at the beginning of the twentieth century wanted to believe something like that, and did. As a consequence, multitudes of people, before the twentieth century was half spent, were more sadly disillusioned than ever before in modern times. Not since the breakup of the Roman world order has civilized man viewed his earthly future as darkly as he does now at the midpoint of the twentieth century.

II

The heritage of the twentieth century was as complex as could have been bequeathed by the whirling tangle of social forces released in preceding centuries. It was a heritage neither of good nor of bad, but of both, inseparably intertwined. The new age could not inherit the one without the other. In truth, no one could fifty years ago or can now infallibly distinguish the good from the bad. The end results of social forces are never clearly foreseeable. Moreover, when in the long course of social evolution, results of a final character are reached, the men who prejudged them as good or bad have passed from the earth. A new set of men with a new set of values judges from a new point of view whether the results have been good or bad. Let us not, therefore, attempt to describe the heritage of the twentieth century as good or bad; let us not even indulge the pleasantly deterministic temptation to say that it was bound to produce the particular results that occurred; let us merely sum it up as a revealing backdrop for twentieth-century political thought.

The twentieth century inherited the protean industrialism of the nineteenth century and all of the sociological possibilities that came along with it. Progressive advances in the technology of production and distribution, and equally revolutionary changes in the organization and control of the basic factors of economic life, especially capital and labor, passed on to the twentieth century an industrial system unlike anything the world had known before. Thus handed on to the twentieth century were colossal empires of manufacturing, of merchandising, of transportation, of communication, and of finance, intertwined with social and political structures that were partly new and partly old. Problems of greater magnitude and intricacy than men had ever before

sought to solve by social mechanisms—problems of property, problems of employer and employee, problems of fair trade, problems of consumer protection, and many others—were indiscriminately flung into the lap of the twentieth century for solution. What the twentieth century should have done with these highly involved and technical problems, what it could have done, and what it did do are questions that will be debated as long as men wrestle with social issues. Only one thing is certain: the twentieth century had to face those problems; it could not escape them.

Along with the industrialism of its predecessor, the twentieth century also inherited a rapidly rising tide of proletarianism—not merely proletarianism in the intellectual sense but as a widespread social condition. In the early nineteenth century Thomas Jefferson, fearing the “canaille of the cities” and perceiving the dangers inherent in a society made up largely of dispossessed urban population, had dreamed and worked to establish an American society of small, independent landed proprietors. All of this planning was undone in the United States by advancing industrialization and its faithful consort, urbanization. The United States became a land of cities; so did Great Britain and most of continental Europe; so did those portions of the Orient where industrialism spread. This concentration of population in urban centers was destined to reach its culmination in the twentieth century. The major part of the population in the industrialized sections of the world came to consist of city dwellers who had no landed property, never much property of any other sort, and were utterly dependent for a livelihood upon their daily earnings in salaries or wages. Unemployment, even for a brief time, meant great distress for these urban proletarians; and economic insecurity was their common lot, because the circumstances of their employment were subject to the fortunes of an industrial system and the whims of a management over which they had no control. Proletarian politics and economics assumed a leading role in the affairs of the twentieth century.

The twentieth century was likewise to witness the arrival of a new agrarianism, another by-product of the new industrialism. Subsistence farming gave way to commercial farming and manual-labor farming to mechanized farming. The need for manpower in agriculture underwent an enormous decline. More and more

people had to go to the cities to find employment; and the remaining farm population lost its independence and self-sufficiency, as it no longer produced for its own consumption but for sale in the markets of the world. Economic insecurity began to dog the farmer almost as persistently as his proletarian brother of the cities.

The strident and swelling nationalism of the nineteenth century came down to the twentieth century in a particularly aggravated form. By the close of the nineteenth century it had become national imperialism, and not merely the dynastic imperialism of the pre-industrial ages, but aggressive economic imperialism. National independence, national unity, and national expansion had become definitely linked with capitalistic concerns. A nation was still primarily a politically united people, but in addition it had become a people united behind tariff walls for subsidizing its own industries, united in financial and other measures for aiding its business interests to invade and capture foreign markets, united in colonial policies to secure needed raw materials and maintain sure outlets for its manufactured commodities, united in extending and protecting the investments of its citizens in colonial domains and foreign countries, united in the promotion of shipping under its own flag—united, in short, as a gigantic economic organism not content with political independence alone, but seeking economic independence and oftentimes economic predominance. This was to prove the most grievous heritage of the twentieth century.

As though to render its industrial and nationalistic heritage the more distressing, the twentieth century was also heir to an increasingly embittered conflict over the nineteenth-century institution of free enterprise. Economic nationalism and free enterprise are incompatibles. The nineteenth century made a fetish of free enterprise and enshrined the doctrine of *laissez faire* as a veritable law of God. But the nineteenth century also fostered economic nationalism. It did not occur to nineteenth-century magnates of industry, to nineteenth-century farmers, workers, and professional people—in fact, it occurred to very few nineteenth-century thinkers and writers—that the economic solidarity of a nation can be had only at the price of collective control and regulation. This lesson had to be learned in the twentieth century. One of the paradoxical phenomena of the twentieth century would be the attempt of many leading countries to avoid collectivism, promote economic na-

tionalism to their own gain, and foster some sort of economic internationalism all at the same time.

Down to the twentieth century also came many of the political embroilments of the past. Democracy seemed to be winning, but the final returns were not in. Autocracy held on in several important sectors of the world; and in every country which had accepted the democratic principle there were still serious difficulties in working out the constitutional arrangements essential to the needs of a democratic society. The problem of representation had not been solved, nor the problem of suffrage, nor that of elections. Fully effective democratic control of the processes of government was yet far from accomplished. There was universal dissatisfaction with popularly elected legislatures, a symptom of grave shortcomings of composition and procedure. In some democratic countries the administrative system was so poorly constructed and so permeated with politics that honest and efficient management was a rarity. Even the courts, usually the most respected and trusted branches of democratic government, were often accused of bias and incompetence, if not worse. Prominent and thoughtful leaders of opinion, even in democratic countries, were still voicing doubts about the ultimate success of democratic institutions, and there were signs of anti-democratic reactionism in many quarters. The twentieth century was destined to witness a tremendous resurgence of authoritarianism and an epic struggle for preservation of democratic government.

III

In the realm of political thought the heritage of the twentieth century was a Babel of clamorous and contradictory "isms." There was a large carry-over of the ideologies of rationalism, irrationalism, metaphysical idealism, utilitarianism, proletarianism, socialism, anarchism, individualism, positivism, evolutionism, racism, nationalism, and many more. It was the most variegated assortment of doctrines any century had received from the past, and the most confusing. Twentieth-century thinkers had great difficulty in compounding them into systems. Philosophers could put together no philosophy that would serve as an adequate rationale for the unformed and swiftly changing political and economic life of the time. Scientists could unfold no science suffi-

cient to explain the unknowns of social existence or direct its forward course. Moreover, the furious pace of events allowed little time or opportunity for detached thinking. Even before the twentieth century had reached adolescence it was caught up in the vortex of the first World War, and before it came to middle age it had passed through a prolonged and world-wide economic depression and a second World War. And the last named cataclysm was climaxed by the fission of the atom, the invention of the atomic bomb, and revolutionary possibilities of atomic energy as a practical instrumentality of both peace and war in the immediate future.

Twentieth-century political philosophy could not keep abreast of its era. Things happened too fast. The changes were too sudden and too revolutionary. Up to the middle of the twentieth century no new philosophies had emerged. Although there was an abundance of theorizing and rationalizing, they took the form of working over old doctrines to fit new conditions and situations. The proletarians stood pat on the dogmas of Marx and Engels; the Fascists helped themselves to generous borrowings from Machiavelli, Hobbes, Hegel, Treitschke, and various other useful sources; the Nazis took what they wanted from Fascism and added certain choice ingredients of traditionalism, evolutionism, and racism; the constitutionalists, liberals, and democrats harked back to eighteenth-century individualism and nineteenth-century utilitarianism; the jurists continued to debate the old question of the nature of law and to explore the concept of sovereignty, drawing heavily from Kant, Hegel, Savigny, Austin, Maine, Comte, and other thinkers of the past; the nationalists and imperialists echoed Burke, Mazzini, Fichte, Hegel, Treitschke, and other pioneers of nationalistic thought; the internationalists and cosmopolitans retraced the universalistic thought of all former ages; even the pragmatists, the one largely American stream of thought in the twentieth century, owed much to the empirical and utilitarian ideologies of the two preceding centuries.

The strictly political question which dwarfed all others as the twentieth century moved forward was that which Herbert Spencer had posed as the Man *versus* the State. In Spencer's nineteenth-century view it had been the individual man *versus* the state. As seen by the twentieth century, the problem was that and much more. It came to be increasingly apparent that the relation of the

individual man to the state was not separable from that of *mankind* versus the state. It was fully clear, by the middle of the twentieth century, that the whole of mankind was headed for some sort of collectivism. It also seemed clear, barring some unforeseeable reversal of trends, that it would be state collectivism, chiefly if not exclusively. The position of the individual man and his ultimate fate in the world would hinge upon the collectivistic political system to which he belonged and upon its situation in a world of political collectivities. The status of the individual in one system of state collectivism would not necessarily be the same as in any other; but one thing was certain: the circumstances of all men, everywhere, would be state-determined, and would be determined by the functioning of collectivism on a world-wide, as well as on a state-wide, scale.

Would mankind be state-ridden or state-served? In principle there was only one answer to that question. There was no disagreement on the proposition that the only legitimate function of the state is to serve its people and to serve mankind in general. But as to the type of state most likely or unlikely to fulfill that ideal, there was wide and violent disagreement. And there was similar disagreement as to the methods, processes, and policies of state action most suited to realize the general welfare. All twentieth-century political theories tended, therefore, to fall into categories determined by their author's partiality toward totalitarianism, Sovietism, or constitutional democracy—the major state systems of the time.

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CHAPTER XXX

THE STREAMS OF DOCTRINE

I

THE main streams of twentieth-century political doctrine flowed in the ancient river beds of individualism and collectivism, democracy and authoritarianism; but these were abundantly fed, and sometimes deeply colored, by many tributary streams of more recent origin. This contribution was highly important. It greatly swelled the volume of the principal flows, and frequently changed their appearance to such an extent that they seemed to take on a new and different guise. The later ideologies may not have fundamentally altered the older doctrines, but in many instances they added new twists; and one thing is certain: they gave twentieth-century political thought a new vocabulary and a new jargon. Because of them, the student of twentieth-century political thought must familiarize himself with the meaning of such terms as traditionalism, Social Darwinism, racism, irrationalism, élitism, pluralism, pragmatism, and syndicalism.

II

One of the most influential streams of twentieth-century thought, one almost too important to be considered merely as a tributary, was that which emanated from the Darwinian theory of evolution. There was nothing particularly new in the idea of evolution; that idea had been current in the world since the time of the Greeks, and the German idealists, especially Hegel, had given it a central place in their systems. It was not the evolutionism of Darwin that was revolutionary, but his explanation of how evolution works. Previous explanations of the methodology of evolution had been vague and not intelligibly related to facts and forces men could see in the world around them. Darwin's theory was strictly biological and so were his explanations. The struggle for existence, natural selection, variation, and the survival of the fittest were processes that could be perceived by anyone with half an eye for what was going on in organic life. Moreover, Darwin and other biologists piled up mountains of evidence showing that they had always been

going on and had a definite causal connection with the origin and development of biological species.

As for Darwin himself, his theory was purely biological. He made no effort to draw philosophical or sociological inferences. But other men did. It was impossible to escape the conclusion (though Darwin did not press it) that man himself, on the biological side, was a product of the Darwinian processes of evolution and was subject to those processes in his future development. Virtually all biologists came to that conclusion. Social theorists did not lag far behind. Among the leaders were Herbert Spencer, the English philosopher and man of science, Walter Bagehot, an English banker and writer on social subjects, and Ludwig Gumplowicz, an eminent Austrian sociologist and university teacher. These and their many disciples came to be known as Social Darwinists, because of their belief that the social life of man is subject to the same Darwinian principles of evolution as his physical life. The work of Spencer, Bagehot, and Gumplowicz was practically all done in the nineteenth century, but the impact of their doctrines carried over with great force to the twentieth century.

Although the Social Darwinists disagreed widely among themselves on many points of evolutionary theory and often reached widely divergent conclusions, they were in substantial agreement on certain basic postulates. All agreed that human society in all its forms is the product of some sort of struggle for existence or survival; all agreed that the current development of social life and institutions is shaped by such a struggle; all agreed that natural selection operates in some way to determine survival; all agreed that survival is evidence of special fitness to meet the conditions of life; and all agreed that man cannot change the methods of evolution, cannot shape social development according to his own arbitrary concepts but must get in line with the forces of evolution and work with them. In short, the Social Darwinists stood solidly for the proposition that the state and all other forms of social organization are not something that is *made* but something that *grows*. Thus they gave scientific aid and comfort to all kinds of traditionalism and gradualism. They also stood solidly for the proposition that growth is largely shaped and conditioned by the vicissitudes of a blind struggle, thus providing a scientific basis for irrationalism and anti-intellectualism. They stood together, too,

on the proposition that decisive factors in natural selection are heredity and environment, thus supplying the footing for an almost indiscriminate eclecticism.

But acceptance of these basic postulates did not preclude diametrically opposite conclusions as to their significance and outworking. Spencer and the Social Darwinists of his persuasion drew from them an argument for *laissez faire* more dogmatic and extreme than anything advanced by Adam Smith and the classical economists. But Spencer's organismic concept of the state could be used, and was freely employed, by thinkers at the opposite pole of political belief to sustain the thesis that the state is the all in all. The Social Darwinism of Bagehot gave strong support to all varieties of traditionalism, irrationalism, and authoritarianism; it was also a convenient prop for collectivism. For Bagehot viewed the struggle for survival as primarily a struggle between groups and societies, and was of the opinion that natural selection favors the most homogeneous, the most cohesive, and the best disciplined groups. Gumpłowicz built his whole system of sociology on Darwinian principles and reached the conclusion, later much elaborated by his disciples, that conquest is the mother of political institutions.

Social Darwinism also nourished another body of thought, not in itself strictly political, but of tremendous import in twentieth-century political ideologies. This was what has come to be known as racism. The subject of race has always held the attention of students of human kind, and there have been countless theories of racial origins and endless explanations of racial differences. It was inevitable that the Darwinian formula should be appropriated to such purposes, and it clearly gave better answers than any previous doctrine. Anthropologists and ethnologists were able to accumulate a vast body of objective facts tending to show that the anatomical and other physical differences between the various species of mankind were the result of natural selection. Such marks of race as the color of the skin, the texture of the hair, the shape of the head, the form of the nose were conceived to be evolutionary variations transmissible by heredity. Were there also mental, emotional, and moral differences likewise transmissible from parents to offspring? On this question there was a great dearth of objective evidence. But that lack did not deter the theorists at all.

In the last half of the nineteenth century a number of writers

took up the theme that evolution not only has created the races of mankind but has made them immutably unequal. The leading advocate of this doctrine, and the most influential on subsequent racial dogmas, was Count Arthur de Gobineau, a French diplomat and man of letters. There were invisible differences between the different races of man, according to Gobineau, as well as visible ones; and the invisible were by far the more important, because they had to do with the qualities of mind, morals, and culture. These invisible differences were innate and, of course, hereditary. In the struggle for survival, said Gobineau, natural selection had endowed each race with permanent characteristics, but the permanent characteristics of some races were much superior to those of other races. At the top of his scale Gobineau placed the white race, then the yellow, and lowest of all the black. In like manner he classified the subdivisions of the major races, placing the so-called Aryans at the head of the white race. Gobineau had much to say about the mixture of races. A little mixture of superior racial stocks he thought good—likely to contribute to the evolution of still better races; but too great a mixture, especially that which results in the inundation of a higher race by a lower one, was wholly bad. The chief cause of the decline of the great civilizations of the past, Gobineau argued, had been racial degeneration caused by the dilution of superior stocks by inferior ones.

The twentieth century saw racism after the style of Gobineau grow into a world-wide cult. Shoals of books and essays were produced on all phases of the subject. A few were scholarly, scientific, and usually inconclusive; the great majority, however, were purely doctrinaire. Influential schools of racial doctrine arose in all countries, but it was in Germany, under the principal tutelage of Houston Stewart Chamberlain, that racism came to be most closely linked with actual public policy. Chamberlain was an Englishman who became a German citizen and married the daughter of Richard Wagner, the great composer. Not only was Chamberlain an ardent disciple of Gobineau; he became deeply imbued with the idea that the Germanic races, particularly those resident in modern Germany, had shown themselves to be the finest product of racial evolution. He wrote a book (*The Foundations of the Nineteenth Century*) to prove this point and to set forth at length his whole racial philosophy. Probably no other book was more

widely read in Germany in the first quarter of the twentieth century. It was enthusiastically read and endorsed by Kaiser Wilhelm II, who helped raise a fund to place a copy of it in every library in the country.

In the main Chamberlain followed Gobineau, though he added many special touches of his own. One of these was anti-Semitism. Chamberlain conceded that the Jews are in some respects a superior race, but held that their qualities are so different from those of the Germanic peoples and so incompatible with Christian civilization that intermarriage with Jews would lead to the decay of the German race and of German culture. Even the presence of Jews in the German population was dangerous. Another idea which Chamberlain specially stressed was that the Germanic peoples, by keeping themselves racially purer than the Latins and the Slavs, rescued civilization from extinction in the chaos following the decay of the Roman Empire and became the world's chief hope for the preservation and advancement of civilization. To succeed in this historic mission, the German peoples not only must be united but must keep their precious Teutonic blood pure and undefiled.

Chamberlain died in 1926, twenty-seven years after the publication of his *The Foundations of the Nineteenth Century*. In that interval he gained a vast following in Germany. A younger group of German race theorists, consisting of such figures as Hans Günther, Eugen Fischer, Fritz Lenz, and Alfred Rosenberg, took over his main ideas and endeavored to bring them more fully into harmony with the newer teachings of biology, anthropology, and ethnology. In other countries similar attempts were made to reconcile the basic doctrines of Gobineau and Chamberlain with orthodox science. Prominent among the writers engaged in this enterprise were Alfred P. Schultz, Lothrop Stoddard, Madison Grant, Homer Lea, and Henry F. Osborn—all of them Americans. Racism gained a large following in England, too, its leading proponents being Grant Allen, Isaac Taylor, Lord Charles Beresford, and Cecil Rhodes.

Also spawned by Social Darwinism were the eugenicists, a school of thinkers and writers devoted to the improvement of the human species by the application of sound biological principles. The eugenicists hold that heredity is the principal factor in the evolution both of the human body and of the innate capacities for thought

and action which make the difference between superior and inferior individuals. Betterment of the human species, say the eugenists, can come only when men recognize and abide by the laws of heredity. Specifically, this means that persons who are physically, mentally, or morally defective should not be allowed to reproduce their kind. Since there was small likelihood that this could ever be effected by voluntary methods, eugenists argued that it was not only a proper function but a vital duty of the state to make and enforce laws which would prevent the breeding of the unfit. Eugenic doctrines gained enough momentum in many countries to bring about the enactment of laws forbidding the marriage of persons afflicted with certain physical and mental ailments alleged to be hereditary, requiring medical examination as a prerequisite for marriage, and authorizing the sterilization of habitual criminals and persons of low mentality. Not all of the eugenists were racists, but the more doctrinaire racists, especially in Germany, were equally doctrinaire eugenists. In eugenics they saw a means of giving practical application to their race theories.

III

The idea that feeling, instinct, and intuition are better guides for political action than scientific reason was immensely popularized by Rousseau in the eighteenth century. It was given a further lift in the nineteenth century by the metaphysical idealists, especially Hegel, who laid great stress upon unconscious reason, spirit, and spiritual insight as bases of understanding. Before the end of the nineteenth century this irrationalist trend had gone so far that conscious reason was entirely ruled out of court by many leading thinkers. Schopenhauer, an eminent German philosopher, had formulated the doctrine that the underlying cause of all that takes place in the universe and on this earth is will; not conscious, rational will, but blind, groping, struggling will. Consciousness, said Schopenhauer, is but a superficial aspect or phase of the all-pervasive and ever-driving energy that constitutes will. As conceived by Schopenhauer, will has no definite purpose or goal and moves in no comprehensible course; it merely acts, and that is all. Schopenhauer concluded, therefore, that the whole universe, including man, must be utterly irrational, and that all attempts to subordinate will to what men call reason are foolish.

Nietzsche, a disciple of Schopenhauer and also a German, added an idea which gave the doctrine of will high political potentiality. He said that will, as manifested in living things, does have a purpose, namely, to prevail and achieve dominance over other things. Nietzsche called this the Will to Power. All living things, according to Nietzsche, are actuated by the Will to Power; they struggle unceasingly to overcome whatever opposes them or stands in their way and thus gain ever more and more power. And they seek power for power's sake, Nietzsche said; not for good, not for evil, not for any reason save to satisfy their insatiate craving for power. Schopenhauer's theory was pre-Darwinian; but Nietzsche was familiar with the evolutionism of Darwin and blended it in with his theory of will. Social evolution he viewed as nothing more than a never-ending struggle for power, with natural selection favoring the strongest and most ruthless. In the long run, thought Nietzsche, this process would divide mankind into two great classes—ordinary men and supermen, the latter being so superior, because of the selective evolutionary process that had produced them, that they would rule the world. The supermen would be a race apart from ordinary men, physically, mentally, and morally. Ordinary men would not be able to match them in any way, and would be unable to do otherwise than accept their domination. Of course the supermen would be few in number compared with the ordinary men.

Another group of late nineteenth- and early twentieth-century political thinkers whose ideas savored largely of irrationalism and Social Darwinism were the élitists, so called because of their central doctrine that the state is always ruled and always must be ruled by a small governing class termed the élite. The leading spokesmen of this school were three university professors—Mosca and Pareto, both Italians, and Michels, a Swiss. Mosca contended that whatever the outward form of a political society (feudal, democratic, capitalist, proletarian, or what not) there are always two classes, the rulers and the ruled. The former always constitute a small minority. It makes no difference, he said, that the constitution may provide for universal suffrage, equality before the law, and individual rights. The masses never can govern, never can be organized so that they can govern. Minorities can be so organized, and are. They gain and hold power over the masses, not by force, but by adroitly manipulating the vanities, prejudices, and self-

interest of the many. Mosca thought that the ruling class seldom is solidly united, but is divided into segments or sections which struggle for pre-eminence in the state. It is through participation in this struggle that individuals and groups attain positions of power in the state. Although the basic motivation of every ruling class or group is pre-eminence and power, Mosca said this is never openly admitted. On the contrary, each ruling class or group has a "political formula" by which it strives to justify its aspirations or its actual exercise of power. This formula usually is a platitudinous principle or ideal such as divine right, social contract, popular will, democracy, social justice. Some ruling classes tend, he said, to be liberal and others autocratic, depending on the factors conditioning their tenure of power and the formula used to vindicate it. Mosca himself favored a democratic regime, because he thought it obliged the ruling class to be more moderate and more altruistic.

Michels' doctrine of the "iron law of oligarchy" was based on the fact, which he said was confirmed by all studies of human society, that organization is both universal and indispensable. Without organization, society not only cannot function but cannot even exist, and this is conspicuously true of political society. To understand how social and political systems really work, we must study the phenomena of organization. Michels said that organization necessarily requires leadership and that leadership always falls into the hands of the few. This is just as true in churches, business concerns, labor unions, and other voluntary organizations, said Michels, as in the state; and just as true in democratic as in non-democratic societies. A society may be perfectly democratic in concept and purpose, but, he declared, it can never be democratic in operation. The mechanics of organization make democratic operation impossible. In large groups and societies, Michels pointed out, the operation of the organization becomes a specialized activity, and those having a special interest in that kind of thing or a special talent for it take it in hand. Hence there arises within every social organization a leadership of the minority. This leadership nominally may represent the majority and be regarded as its servant, but Michels was positive that it is never so in fact. The majority never has as good means of controlling its leadership as the leadership has of controlling the majority. This is because the leaders, if they stand together, invariably can control the financial

and disciplinary parts of the organization. With these the leadership can always win any struggle with the rank and file of the organization.

Pareto undertook a systematic presentation of the science of society from the irrationalist point of view. Logical or rational conduct, he said, is that motivated by a deliberately held purpose or goal which is pursued by means appropriate to the end. Non-logical or irrational conduct, on the contrary, consists of actions having no conscious motivation, or no feasible goal, or employing means not suited to the attainment of a possible end. Pareto devoted a large portion of his great work, *The Mind and Society*, to data tending to show that the actions which take place in political society are more largely irrational than rational. Then he proceeded to a close examination of irrational conduct. His studies led him to the conclusion that irrational conduct is mainly determined by certain constant factors ("nuclei" or "residues") which change very little from age to age and certain variable factors ("derivatives") which are highly changeable. In Pareto's opinion the constants are far more determinative than the variables. Indeed, the variables, on careful analysis, are usually found to be nothing more than verbal constructs—doctrines, dogmas, creeds, principles, and the like—which men use to rationalize their irrational behavior. The constants are so deeply instinctive that men seldom realize how fully they control human conduct. Among the constants mentioned by Pareto are the instinct for combinations and systems, the need for individual conformity with the group, the persistence of groups and group ideologies, the innate tendency of all individuals to guard and preserve those social conditions which they identify with their own existence and interests, the urge for outward expression of people's inner feelings about social conditions, and the prevailing ideas and conventions about sex.

Every social system, said Pareto, is the scene of constant turmoil and struggle, excited by the necessity of choosing courses of action which will have utility in promoting the internal welfare of the community and in increasing its strength in competition with other communities. These issues are never settled by logical processes, Pareto contended, but by the abiding power of the social "residues" expressed, as a rule, through the élite classes of the community. Every society, according to Pareto, is made up of classes. At the

bottom there is the great mass of people; next above is the middle class; at the top are the very few, who are the *élite*. Pareto was not referring to economic stratification alone; he contended that there is a lower class, middle class, and an *élite* for religion, science, art, government, and, in truth, for every kind of human activity. The *élites* determine the character of the society—the political *élite* its government, the economic *élite* its commerce and industry, the religious *élite* its faith, the scientific *élite* its technical achievement, and so on. One of the most important aspects of the social process, as seen by Pareto, is what he termed the circulation of the *élites*. For reasons such as death, loss of wealth, inability to keep abreast of change, decline of skill, and failure in competition, every *élite* class is constantly losing members; but there is also a constant pressure upward from members of the lower classes striving to hoist themselves into the *élites*. In a perfectly free society, said Pareto, this would result in a free and constant circulation of the *élites*. But no society is perfectly free; all are made more or less rigid and resistant to change by the social “residues.” Consequently the equilibrium of every society is subject to greater or less disturbance all the time by reason of the forces working for the freer circulation of the *élites* and those resisting it. If the rigidity of the social system is so great that circulation of the *élites* is seriously impeded, violence is likely to occur.

Twentieth-century pragmatism often has been viewed as merely a more recent version of utilitarianism. It does have utilitarian characteristics, but in one respect it stands in sharp contrast with the utilitarianism of the nineteenth century. The utilitarianism of Bentham and his disciples was wholly rationalistic, whereas the pragmatism of James, Bergson, and Dewey proceeds on a footing of irrationalism and Social Darwinism. The pragmatists have been highly critical of all philosophies of determinism. They deny the possibility of discovering any body of fixed and invariable laws which predetermine all that takes place in the universe, in this world, and in the affairs of mankind. Hence they also deny the possibility of solving the problems of mankind by strictly rationalistic methods. The pragmatist view is that the universe including all that pertains to man is inconceivably complex and unintelligible, being made so by the fact that free will and chance are just as weighty factors in what occurs as inflexible law. Accordingly the

pragmatists take the position that there can be no eternal verities. Everything in the world is relative; the worth of ideas, doctrines, principles, and practices depends on how they function in the given situation. If they work well, they may be judged true, good, right, beautiful, etc.; if they do not work well, they may be judged false, evil, wrong, ugly, etc. For the pragmatists, therefore, the whole of life, especially social life, is an experiment; this is the great truth taught by Darwin's evolutionism. The Darwinian formula is for them nothing more than a statement of nature's method of experimentation. Its significance for the social sciences and philosophies, the pragmatists say, is that no principles, theories, rules, laws, or even facts should be taken as utterly final and definitive. The practical implications of this view are that family, church, industry, state—in fact, all social institutions—are to be regarded as experiments, are to be evaluated according to their consequences rather than their abstract principles, and are to be subject to continuous modification through the use of trial and error methods.

IV

Political thought in the twentieth century was influenced in many directions by the ideas advanced by the syndicalists, the guild socialists, and the pluralists. The leading exponent of syndicalist doctrine was Georges Sorel, an engineer in the French civil service. Near the turn of the century Sorel became interested in Marxian socialism because of its reputedly scientific character. Though accepting the underlying tenets of Marxism, he dissented from the prevalent interpretations of that philosophy. In revolutionary syndicalism (labor unionism, *syndicat* being the French name for a labor union) as manifested in the French labor movement, Sorel thought he had found the key which made Marxism "perfectly intelligible." He took the position that Marxism could not be understood without syndicalism and that syndicalism was meaningless without a clear comprehension of Marxism.

Sorel's syndicalism was definitely anti-political. He rejected the state entirely, seeing no gain from political action, even though it might result in complete proletarian control of the state. His plan of revolution called for the building of a unified working-class organization for the purpose of industrial self-government. This organization would stand apart from the state, would take no

part in political affairs, and would refuse to coöperate with the state in any way. Using the general strike as its principal weapon, this organization would destroy the state and set up a new social system composed of autonomous economic groups.

Social classes, according to Sorel's theory, are differentiated as much by dissimilarity of cultures as by economic distinctions. Each class, he said, separately evolves its own peculiar social characteristics, its own ethics, its own most effective modes of action. Each strives to impose its own social system upon the others. The propertied class uses the territorial state for this purpose. By military force or electoral manipulations it gains control of the state and uses it to dominate the working class. It is no advantage for the workers to wrest the state from the bourgeoisie, he insisted; because the state, though useful to the bourgeoisie, is entirely unsuited to proletarian rule.

To insure real proletarian rule, said Sorel, the workers must replace the state with a social system adapted to the special qualities of their own class. The cardinal principle to be followed in forming such a social system was grouping according to economic function. Workers in each category of economic enterprise should be affiliated in self-governing syndicates or unions, not merely to battle for higher wages, shorter hours, and better working conditions, but to manage and administer the industry as their very own. This scheme of industrial self-government, Sorel maintained, would eliminate the central political organization through which bourgeois tyranny is imposed, and, by giving the workers free control of their own function in society, would stimulate their creative and productive faculties and thus would foster higher industrial efficiency.

The correct weapon of revolution for the proletarians, Sorel contended, was the general strike. He was sure that this mode of revolution was clearly indicated in the writings of Marx. Sorel pointed out that Marx had explained that the proletarian revolution, though working an irrevocable transformation in society, would be necessarily predicated on technological continuity. Only the general strike, said Sorel, could accomplish such a profound social change without interruption of the technological processes of industry. The workmen would lay down their tools, paralyze the capitalist system, win their victory, assume control of all industries, and then start anew, with the syndicalist system, at the precise point where capitalism left off.

The doctrine of proletarian violence was another of Sorel's deductions from Marx. The latter had reasoned that capitalism, by virtue of its own intrinsic qualities, was doomed to destruction. The task of the proletariat was to hasten this result and introduce a new economic order. How, inquired Sorel, could the proletariat play its proper part, if it did not strike at capitalism with all the means at its disposal? And what means could be more effective than violence? Capitalism did its fighting by subsidizing politicians and newspapers. The workers, having no money, could not use this weapon. But they had a better one; they could inspire fear. Politicians, being craven and timid souls, would do almost anything to avoid violence. By resort to violence the workers could usually browbeat the politicians into wresting concessions from their capitalist masters, or, better yet, wring concessions directly from the masters themselves. Thus every industrial conflict would be a vanguard fight of Marxian character preparing the way for the final struggle in which capitalism would be totally vanquished.

Violence, furthermore, would constantly remind both capitalists and proletarians that there could be no compromise between them, would arouse the warlike qualities of both, and thus would speed the coming of the great revolution which was to usher in the new social order. Violence thus employed was not base and degrading, but an exalted and heroic measure—a very different thing from the use of force to impose a social order for the benefit of the exploiting classes. Proletarian violence was not only sublimated by the cause that it served, but was necessary to give the proletarians confidence, self-respect, and a realization of their power.

The guild socialists shared Sorel's dislike of the centralized political state but not his revolutionism. The leading writers of this group were English socialists (e.g., G. D. H. Cole, Bertrand Russell, A. R. Orage, R. H. Tawney, S. G. Hobson, and A. J. Pentty) who hoped that gradual reforms would transform capitalist society into socialism but feared that true socialism could not be realized under a centralized political system. Their ideal society was a federation of self-governing associations of persons mutually involved in the performance of related social functions. This concept was a reaction against the overweening regimentation of state socialism. Even if the state were democratic, said the guild socialists, the socialist program could not succeed under state socialism, because

state ownership and operation of the means of production and distribution would throw everything into the hands of professional politicians and bureaucrats who, as a ruling class, would exploit the masses as unconscionably as their former capitalist masters. This result might be avoided, the guild socialists contended, by the deconcentration of social organization, placing each of the major activities of society in an autonomous and democratically governed group somewhat analogous to the trade guilds of the Middle Ages. Under such a guild system the political state would survive only as an interlocking and adjusting organ as between the several guilds. Hence the guild socialists argued that the state should be deprived of its sovereignty and reduced to a status of equality with the guilds, but they were unable to agree among themselves as to the precise role of the state in the guild system.

All recognized the need of some central institution to look after social needs exterior to the proposed guild associations and to reconcile and adjust the differences of these bodies. But whether it should be independent of them or interrelated with them, have authority over them or divide authority with them, be all-powerful in some matters and entirely powerless in others, they could not decide. Two broad schools of opinion developed. The more consistently pluralistic, whose leading spokesman perhaps was Cole, held that sovereignty should be entirely extinguished and the state reduced to the position of a coördinate functional group with only the power necessary to perform its particular social function. The other school, of which Hobson was the leading representative, held that the state must continue as the residuary source of authority, the final arbiter of social conflicts, and the special warden of the interests of the individual as a citizen apart from his interests as a guild member, but should, while holding its sovereignty in reserve, delegate most of its active functions and powers to the guilds.

The pluralists concentrated their attention on the problem of sovereignty. Some of them were also guild socialists, but the leading exponents of pluralism (e.g., A. F. Bentley in the United States, A. D. Lindsay and Ernest Barker in England, Leon Duguit in France, and Hugo Krabbe in Holland) were not much concerned with socialism. The pluralistic doctrine owes its name to the central contention of its adherents, namely, that social authority is not, and from the nature of social institutions and processes can-

not be, a unity, but is of a plural character and greatly divided. The pluralistic view was new in statement and application, though the idea itself was as old as the Middle Ages and had been anticipated in the writings of some of the ancients. It had been eclipsed, after the rise of nationalism, by the idea of monistic, or unitary, sovereignty, and lay fallow until the time came again when men were disposed to be critical of the pretensions of supreme political authority. The seed-bed of modern pluralism was prepared in the late nineteenth century. The penetrating juristic studies of Gierke and Maitland had shown that associations of corporate character, each with a definite collective consciousness and will, naturally grow up within the fabric of any social system; and that these are not, and perhaps cannot be, excluded from the function, within certain limits, of making and enforcing law. The eminent French sociologist Durkheim had stressed the importance of functional, particularly occupational, groups, and had argued for the representation of economic groups in the governmental process. Other notable sociologists, such as Gumplowicz and Ratzenhofer in Austria, and Ward and Small in the United States, had similarly explored the atomic structure of political society and had attached great weight to the dynamic influence of various sorts of interest-groups. Paul-Boncour in France had delved into the history of professional associations and had shown how such bodies tend naturally and inevitably to acquire something analogous to sovereign power.

On these and other foundations of the same character the pluralistic theorists based the following major postulates: (1) that the state is but one of numerous social, economic, political, and other groupings through which men in society must seek to satisfy their interests and promote their welfare; (2) that these different groupings are not mere creatures of the state but arise independently and acquire power and authority not given by the state; (3) that the functions of such voluntary associations as churches, labor unions, trade organizations, professional societies, and the like are as necessary and important as those of the state; (4) that the monistic state is not only incapable of wielding absolute authority over such bodies but is incapable of regulating their affairs intelligently or administering them efficiently; (5) that the monistic concept of sovereignty is a mere legal fiction which not only misses the truth

but does incalculable harm in obstructing the evolution of society along more natural and beneficial lines. The pluralists, like the guild socialists, did not find it easy to dispose of the political state. They argued that if it were denuded of its pretensions to sovereignty and reduced to its proper status, a natural regeneration of society would quickly follow. Even if they had been wholly right on every point, their case had no chance in the realm of practical politics in the first half of the twentieth century. The two world wars so enormously magnified the need for potent general authority that state functions and powers were everywhere enlarged at the expense of other social groups, and the sovereignty of the state became more absolute than ever before.

But the theoretical arguments of the pluralists did not go unchallenged. Many notable political thinkers came to the defense of the monistic doctrine of sovereignty. Conspicuous among these were Willoughby, Coker, and Dickinson. Did the pluralists seriously propose, they inquired, to do away with all unity of authority and uniformity of law in a great society? If so, how would they prevent dangerous and destructive conflicts between divergent or rival interest-groups? How would they deal with the explosive differences which inevitably arise within such groups as well as between them? Would religion be less sectarian in a pluralistic society, labor less schismatic, professional groups less factional; would capital and labor be less antagonistic, the agrarian interest less aggressive, or other class or group lines less sharply drawn? And how would the pluralists assure to each of their proposed functional bodies the security and autonomy necessary to its existence as a separate entity? How would they provide it the means to attain its own ends but not ends hostile to the welfare of society as a whole? And how would they maintain national independence and carry on foreign relations? Pluralists found such questions very difficult to answer satisfactorily.

Not content with the mere refutation of pluralistic theories, monistic thinkers proceeded to restate the theory of sovereignty, casting aside much of the confusing and misleading verbiage which had accumulated since the time of Bodin. Discarding all fictions and abstractions relative to sovereignty, these modern disciples of Bodin and Hobbes undertook to get down to simple facts. It is a fact, they asserted, that an organized social whole presupposes a

unity of authority in order to provide the basis for a legal system coextensive with the social order, and this necessarily means that there must be uniformity in the laws applied throughout the whole social system and a final supreme source of law and legal determination to which all citizens, all officials, and all agencies of government defer. Sovereignty in the legal sense means exactly that and no more, said the monists. All of the metaphysical abstractions in which theorists of the past have indulged may be disregarded. They are mere verbalisms which obscure the true meaning of monistic sovereignty. What is the true meaning? Just this, said the monists: that the paramount state is the social institution through which men have chosen to express their preference for a general authority which can prevail over the narrowness and selfishness of individuals and interest-groups. This institution need not be all-powerful or morally unquestionable; all it really needs are the necessary means, legal and political, to perform its indispensable social function.

V

Outside the field of strictly political theory were many twentieth-century scholars and writers whose ideas made substantial contributions to the main currents of political thought. This was conspicuously true of the social psychologists and sociologists. The social psychologists sought to discover the whys and wherefores of human behavior, and obviously could not exclude political behavior from their considerations. Most of the social psychologists came to the conclusion that conscious reason has less to do with shaping human behavior than emotions, impulses, and instincts. Thus they were all in some degree irrationalists. Indeed, most of the social psychologists did not credit man with much ability to think rationally and objectively in social matters even though he might make a deliberate and determined effort to do so. Social life, they thought, has shaped the unconscious mind of man into fixed patterns which cause him to act before he thinks and to employ reason to justify his actions. It becomes next to impossible for him to escape from the "instincts of the herd," "the pressure of the group," "the mass mind," etc. The social psychologists did not deny that many of the behavior patterns imposed by social life are altruistic, moral, and good; but they said that many are just

the opposite, and that none of them are rational and none can be changed by rational processes. As to the betterment of human society, most of the social psychologists placed their faith, if they had any, in the group, especially the state, rather than the individual. Some of them believed that social evolution ultimately might produce societies in which the conditioning of the unconscious mind would tend more to good than evil; some even went so far as to hold that intelligent leadership by the educated few might result in the acceptance of social and political devices and processes which would largely counteract the irrationalism of the masses.

The sociologists did much to clarify our knowledge of the origin and development of the state, showing that it is not and never has been a special creation. The rise of the state from pre-political society was shown to be a continuous evolutionary process, and the sociologists made an important contribution by carefully analyzing this process and describing its principal factors. More than any other group of thinkers, the sociologists stressed the point, and backed it with an impressive array of facts, that the state in action is not an aggregation of individuals but a coagulum of interest groups which sometimes coöperate for the common good but more often vie with one another in the furtherance of their special interests. Consequently, the sociologists have looked upon the process of government as essentially a group struggle and have insisted that political institutions which do not provide appropriate means of adjusting group conflicts are seriously defective. In their studies of social control the sociologists further emphasized the group composition of political society and pointed out that control through the instrumentality of the state must reckon with such long-established group controls as customs, folkways, and mores. The sociologists gave much attention to the question of the province of the state in human affairs. On this question their views ranged all the way from anarchism to total collectivism, but the majority took the relativist position that there is no inflexible principle by which the proper role of the state can be determined. The facts of social evolution seemed to point to the conclusion, in the judgment of most sociologists, that the degree and character of state interference and control must depend on the circumstances existing in a society at a particular time.

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CHAPTER XXXI
THE FASCIST STATE

I

PLATO would have liked the term "totalitarian state," and could have made good use of it. It expresses more tersely and realistically than any phrase of his own coining the ancient idea of the all-absorbing and all-transcending body politic. Greece and Rome were familiar with that concept, though none of their political theorists carried the apotheosis of the state to such fantastic extremes as the modern Fascists and Nazis. Greek political thought, and to a less extent Roman political thought, enfolded the individual so completely within the community that the idea of individual rights against the state never gained a firm foothold.

That idea was of slow growth, and did not come of age until near the end of the eighteenth century. But when it finally matured, it swept the old idea of the authoritarian state into the background. Individual liberty became the popular shibboleth of the nineteenth century; and political theory, both conservative and liberal, was largely applied to the task of forging constitutional limitations upon authority. There were notable nineteenth-century exceptions, however. There was Fichte, for example, and his idea of freedom through state compulsion to follow the path of the Universal. There was Hegel and his idealization of the state as the crowning embodiment of the *Zeitgeist*, the absolute of absolutes wrought by the inscrutable hand of History, supreme beyond all question. There was also Treitschke and his lyric nationalism, and there was Marx with his scheme of using the all-powerful state as an instrument of class war. And there were also philosophical idealists like Green whose trust in the leviathan state reflected a wish for an irresistible agency of social reform.

By the dawn of the twentieth century a vigorous revival of the old idea of the paramount state was clearly in prospect. It was bound to come, because the problems of economic nationalism were inexorably forcing the state in all parts of the world to assume the responsibility of supreme custodian of the general welfare. That it arrived in the first quarter of the twentieth century was largely

due to World War I and the continuing maladjustments of social and economic life following thereafter. During the war patriotic sentiment and military necessity extinguished dissent, suspended normal rights and liberties, and invested the state with almost unlimited jurisdiction over the affairs of its subjects. After the war, despite all efforts to get back to "normalcy," strong government was needed in many countries in order to avert a complete collapse of the social order. Italy was one of those countries. In the four years immediately following the war the feeble parliamentary régime of Italy did nothing but stumble from one grave crisis to another. The Fascist Party stood in violent protest against this condition.

II

During the Fascist régime the twenty-eighth of October was the grandest of red-letter days in the Italian calendar of anniversaries. On that day, 1922, Mussolini's Black Shirts moved upon Rome and inaugurated the Fascist Revolution. That sublime event, in fascist ideology, marked the beginning of the most significant and glorious era of Italian history; a turning point, indeed, of incalculable importance not for the Italian people alone, but for the entire world. Twenty-two years and six months later, almost to the day, Mussolini was put to death by a firing squad of his own people, and Italy was in ruins. But the inglorious downfall of Italian Fascism was by no means a true measure of the importance of the fascist movement or of the durability of fascist ideologies. The latter certainly constitute the most influential political thinking to come out of Italy since Machiavelli; and the fascist movement did not die with the defeat of Italy in World War II. There was fascism among Italy's conquerors as well as among her allies, and there is much of it still alive in the world.

The *coup d'état* of the Fascist Party in Italy was not truly a revolution. It was a bid for power by a militant minority, efficiently organized, adequately financed, ably led, and unscrupulously determined to impose its will upon the nation. It succeeded as much by virtue of the flabbiness of the opposition as by reason of its own positive qualities. On its way to power it had no constructive program, no consistent body of principles. The only thing it unequivocally promised was to rescue the country from the then im-

minent menace of bolshevism. What it would offer as an alternative to bolshevism or to the anemic parliamentary system which it proposed to dislodge was not made clear. Nor did the frightened financiers, industrialists, and professional people who rallied to its support concern themselves overmuch with that. As always with the panic-stricken, they preferred to risk dangers unknown to those that loomed before their eyes.

Once installed in power, the first concern of the Fascist régime was to consolidate its position and perpetuate itself in office. There was little time for philosophical speculations. But, as the business of destroying democratic Italy went forward and the outlines of the new order became more definite, the practical value of philosophic indoctrination became increasingly apparent. Thereupon, the Fascist leaders, including Mussolini himself, set about the construction of a body of political theory to explain and justify their seizure of power, and to serve as an authentic elucidation for the people of Italy and for the world. Mussolini, a former journalist, addressed himself to this task with much ardor and was one of the most prolific expounders of fascist theory. The most noteworthy theoreticians, in addition to the voluble Benito, were two university professors who became officeholders in the new régime. These were Alfredo Rocco, onetime professor of law at the University of Padua and later minister of justice under Mussolini, and Giovanni Gentile, famed as the outstanding Hegelian philosopher of Italy and minister of education from 1922 to 1924.

Before coming into power the Fascists had professed a high disdain for theory; their cause needed no theoretical justification. They were not, they said, theorists but men of action, and action is always its own best justification. When they changed their minds about the importance of theory, they found themselves in need of ideas that could be woven together to form a systematic political philosophy. It was much easier and also more expedient to take ideas from other men than to originate ideas of their own. And there was no dearth of ideas to serve their needs. It was simply a matter of turning to the books and taking what they wanted.

To trace all of the sources of the political philosophy now known as fascism is not easy. It is a compound of many ingredients which have been blended together with great ingenuity. We can perceive, among others, borrowings from Machiavelli, Hobbes, Fichte,

Hegel, Treitschke, Nietzsche, Marx, Sorel, Mosca, Schopenhauer, Bergson, James, and Pareto. Consistency, if we are to believe the authors of this philosophy, is not one of its virtues, nor permanence, either. Their aim, they say, is not a consistent theory, but a practical one; not an abiding theory, but a progressive one. The fascist theory of to-day, said Mussolini, is for to-day alone. "We do not believe," he declared, "in dogmatic programmes, in that kind of rigid frame which is supposed to contain and sacrifice the changeable, changing, and complex reality. . . . We permit ourselves the luxury of being aristocrats and democrats, conservatives and progressives, reactionaries and revolutionaries, legalitarians and illegalitarians, according to circumstances of time, place, and environment—in a word, of the history in which we are constrained to live and act."¹

The state, said Mussolini, is "the universal conscience and will of man in his historical existence." Enlarging on this concept, he added:

"For us Fascists, the State is not merely a guardian, preoccupied solely with the duty of assuring the personal safety of the citizens; nor is it an organization with purely material aims, such as to guarantee a certain level of well-being and peaceful conditions of life; for a mere council of administration would be sufficient to realize such objects. Nor is it a purely political creation, divorced from all contact with the complex material reality which makes up the life of the individual and the life of the people as a whole. The State, as conceived of and as created by Fascism, is a spiritual and moral fact in itself, since its political, juridical and economic organization of the nation is a concrete thing: and such an organization must be in its origins and development a manifestation of the spirit. The State is the guarantor of security both internal and external, but it is also the custodian and transmitter of the spirit of the people, as it has grown up through the centuries in language, in customs and in faith. And the State is not only a living reality of the present, it is also linked with the past and above all with the future, and thus transcending the brief limits of individual life, it represents the immanent spirit of the nation. The forms in which States express themselves may change, but the necessity for such forms is eternal. It is the State which educates its citizens in civic virtue, gives them a consciousness of their mission and welds them into unity; harmonizing their various interests through justice, and transmitting to future generations the mental conquests of science, of art, of law and the solidarity of humanity. It leads men from primitive

¹ Quoted in H. Finer, *Mussolini's Italy* (New York, 1935), pp. 17-18.

tribal life to that highest expression of human power which is Empire: it links up through the centuries the names of those of its members who have died for its existence and in obedience to its laws, it holds up the memory of the leaders who have increased its territory and the geniuses who have illumined it with glory as an example to be followed by future generations. When the conception of the State declines, and disunifying and centrifugal tendencies prevail, whether of individuals or of particular groups, the nations where such phenomena appear are in their decline.”¹

This essentially Hegelian conception of the state was likewise espoused by Rocco, who, in a notable address entitled *The Political Doctrine of Fascism*, styled the state a “spiritual inheritance of ideas and sentiments which each generation receives from those preceding and hands down to the following generation. . . .”² Repudiating what he called the “mechanical or atomistic” conception of the state as a mere instrument whereby individuals may attain their ends, Rocco claimed for the fascist state a perfect synthesis of the community and the individual, from which a nation would receive “a life and scope which transcend the scope and life of the individuals identifying themselves with the history and finalities of the uninterrupted series of generations.”³ Gentile expressed the same idea in his essay on *The Philosophic Basis of Fascism*,⁴ where he spoke of the state and the individual as “inseparable terms of a necessary synthesis.”

One thing is made clear by all of this word-weaving, namely, that no such thing as inalienable individual rights can exist in a fascist state. The unimaginative mind may have difficulty in viewing the state as a mystic continuity of spirit bodied forth in the dynamics of history, may fail to understand why such a purely abstract construct, such a verbal fiction, should be the Alpha and Omega of man’s earthly sojourn; but that it signifies the utter submergence of the individual would seem to be self-evident. Yet fascist writers have insisted that the individual is not swallowed up in the fascist state or shorn of liberty. If you agree with their concepts of individualism and liberty, they have a point to argue. From

¹ B. Mussolini, *The Political and Social Doctrine of Fascism* (Day to Day Pamphlets, No. 18, 1933), pp. 21–22.

² See *International Conciliation Pamphlet No. 223* (Carnegie Endowment for International Peace, 1926).

³ *Ibid.*

⁴ *Foreign Affairs*, Vol. vi (January, 1928), pp. 290–304.

Nietzsche, Sorcl, Pareto, and other theorists the apologists of fascism picked up the idea of the social myth. None of the great political concepts of the past (the divine right of kings, the social contract, the rights of man, the general will) represented realities, according to the myth theory. They were wholly imaginary, pure myths; but they were myths that men believed to be true and wanted to live by. Hence, they were myths that largely determined the nature of the social order. The fascist state, like all states of the past, was, they said, the product of a myth.

The core of the fascist myth is the Hegelian dogma of the state as the ethical whole. The individual, according to this doctrine, can have no spiritual and moral existence apart from the state and hence can claim no freedom from its jurisdiction. Fascism has made the most of this idea. "Our concept of liberty," Rocco explained, "is that the individual must be allowed to develop his personality in behalf of the State, for the ephemeral and infinitesimal elements of the complex and permanent life of society determine by their normal growth the development of the State. Freedom is therefore due to the citizen and to classes on condition that they exercise it in the interest of society as a whole and within the limits set by social exigencies, liberty being, like any other individual right, a concession of the State."¹ Mussolini expressed the same thought as follows: "The individual in the Fascist State is not annulled but rather multiplied, just in the same way that a soldier in a regiment is not diminished but rather increased by the number of his comrades. The Fascist State organizes the nation, but leaves a sufficient margin of liberty to the individual: the latter is deprived of all useless and possibly harmful freedom, but retains what is essential; the deciding power in this question cannot be the individual, but the State alone."² Gentile asserted that true liberty is realized only in a fascist state. The state, he maintained, is not "an entity hovering in the air over the heads of its citizens. It is one with the personality of the citizens. . . . Fascism has its own solution of the paradox of liberty and authority. The authority of the State is absolute. It does not compromise, it does not bargain, it does not surrender any portion of its field to other moral or religious principles which may interfere with the individual con-

¹ *International Conciliation Pamphlet No. 223*, p. 4.

² B. Mussolini, *op. cit.*, p. 24.

science. But on the other hand, the State becomes a reality only in the consciousness of its individuals. And the Fascist corporative State supplies a representative system more sincere and more in touch with realities than any other previously devised and is therefore freer than the old liberal State.”¹

Now we catch the meaning of fascist freedom. There is freedom in the fascist state, but it is collective, not individual, freedom. The supremacy of the state rests upon the same old cornerstone of absolutism that Hobbes laid down in the seventeenth century, the theory of individual self-realization through subjection to sovereign authority. In one particular, however, the fascists disavowed Hobbes. The trenchant old royalist of Malmsbury did not exclude the possibility of a sovereign parliament or assembly, but fascist writers have ridiculed the very thought of such a thing. The masses, according to them, can have neither the moral nor the legal right of self-government. Mussolini put it this way:

“Fascism combats the whole complex system of democratic ideology, and repudiates it, whether in its theoretical premises or in its practical application. Fascism denies that the majority, by the simple fact that it is a majority, can direct human society; it denies that numbers alone can govern by means of a periodical consultation, and it affirms the immutable, beneficial, and fruitful inequality of mankind, which can never be permanently levelled through the mere operation of a mechanical process such as universal suffrage. The democratic régime may be defined as from time to time giving the people the illusion of sovereignty, while the real effective sovereignty lies in the hands of other concealed and irresponsible forces.”²

From this attack on majority rule, which resounds with the teachings of Mosca, Michels, and Pareto, Mussolini turned to democracy as he thought it should be. True democracy, he affirmed, is qualitative and not quantitative, and is to be achieved by being actuated among the people through the conscience and will of a few or even of one alone. This was not an argument for the old-fashioned kind of aristocracy, but for the rule of the politically élite. In every society, according to the élitist theory, there is a class of persons uniquely fitted to govern; a class of persons endowed with the special talents and moral attributes necessary to govern the state. Just as some persons have a special aptitude for painting,

¹ *Foreign Affairs*, Vol. vi, pp. 300-304.

² B. Mussolini, *op. cit.*, p. 14.

music, science, or some other vocation, so the politically élite have a special aptitude for government. Nature, so the theory runs, obviously has intended the politically élite to rule; it is their special function in the social system, and is not the function of any other class. For this reason the politically élite have not only the right but the solemn duty to govern the state. When the affairs of state are in the hands of the politically élite, the people will have the best government possible; every man will be doing his proper job in the social system; and thus true democracy, the democracy of quality, will be achieved.

But how are these politically gifted persons to be discovered, sifted from the mass of people, and elevated to office? Plato, the forefather of all élitist theorists, had a lot of trouble with that problem; but it did not stump Mussolini and Company at all. They had an answer and a method right on tap for instant use. The élite who would rule the fascist state would not be designated and placed in office by any of the faulty methods of the past; not by heredity, not by direct or indirect popular election, not by parliamentary manipulation, but by the consecrated labors of the Fascist Party. Gentile sounded the keynote when he spoke of the Fascist Party as the "conscience of the State." In practice that came to mean that the party monopolized the state—set its policies, made its laws, and administered its affairs. The party and the ruling élite were one and the same. The original Fascisti were held to have shown themselves to be the political élite of the nation; that was the reason they were able to overcome all opposition and climb to power. The party would continue to contain all of the true élite, because, unlike liberal or democratic parties, it would not open its membership to all comers. On the contrary, its membership would be restricted, carefully recruited and screened, rigorously trained and disciplined. The selective process would reach down to the unspoiled youth of the nation, singling out the most likely for a long period of education and training. Thus the unfit, the non-élite, would be weeded out, and those finally admitted to full membership in the party would unquestionably be those best fitted to rule.

Thus the party both *supplies* the governing class from generation to generation and *is* the governing class at all times. In Italy, membership in the Fascist Party gave admission to a hierarchy paralleling the governmental machine and completely dominant over it.

The leader of the party was also the head of the government; the grand council of the party was the supreme assembly of the state. All public offices from the lowest to the highest were reserved for party members; all competing parties were outlawed and liquidated.

Being the missionary arm of the totalitarian state and also its palace guard, the ruling party, according to fascist doctrine, must be an absolutely ascendant institution like the state itself. It must not be expected to stoop to the baseness of ordinary electoral competition, for its function is not to compete with other groups for popular favor but to serve as trustee for the nation. There can be only one party of such exalted character. To subject such a party to the corrupting vicissitudes of electoral competition would be to sacrifice its uniqueness and destroy its special capacity for national service. For that reason electoral contests between the ruling party and other parties must not be allowed. Elections (if any) must not be struggles for power, but referenda on alternatives proposed by the élite party. The people may properly be allowed to choose between proposals or candidates presented by the party, but not to choose between parties.

The real nature of the fascist political system is thus made perfectly clear and simple. Its name is dictatorship. But fascist theorists have studiously shunned the name while praising the thing itself. As the Fascist grand seignior, Mussolini was called *il Duce* (the Leader); as ruler of Italy his title was *il Capo del Governo* (the Head of the Government). These softening titles fooled no one. In Italy and elsewhere everybody could see the truth of the situation. Hence the vast concern of fascist theory with the rationalization of one-man power. There was, however, nothing particularly new or subtle in the fascist utterances on this ancient subject. Fascist writers railed at great length about the imbecility and ineptitude of parliamentary institutions; and then announced, as though it were a new discovery, that successful government requires vigor, clear-sightedness, singleness of purpose, dignity, distinction, self-conclusiveness, and various other qualities commonly associated with effective executive action. Assuming these qualities to be all-essential and also that a division of power inhibits them, fascist theorists concluded that all power must be concentrated in one person. But to the man thus exalted they

impute the character not of a despot but of a demigod who personifies the state itself and voices its all-comprehending will.

Siéyès, laying down principles for the framing of a constitution for the Consulate in France in 1799, uttered this dictum: "No one should hold office except with the confidence of the governed; and no one should be appointed to office by those he has to govern. Confidence should come from below, authority from above." Fascism heartily agrees and has put this principle to work under the name of the principle of leadership. The main idea is that the masses as such can think and act only through leaders, which is doubtless true; that they are incapable of choosing their own best leaders, which is a highly debatable point; that the leadership of the political élite realizes and reflects the most exalted spiritual and moral qualities of the nation, a point not capable of definitive proof; and that it is the highest civic duty of every private citizen and every official to yield unquestioning loyalty to his leaders according to rank, the national leader being entitled to the highest confidence and deference of all.

The fascist literature of Italy dealt quite fulsomely with the corporative system of state organization. As finally shaped out by the Corporation Act of 1934, this plan organized the life of the nation on a politico-economic basis. Local workers were grouped into workers' syndicates and local employers into employers' syndicates; these in turn were linked together in provincial federations of workers' and employers' syndicates; and the provincial federations were finally joined in national federations and confederations. These were organized into twenty-two national corporations of workers' and employers' syndicates, each corporation having a council made up of representatives the component workers' and employers' federations. The twenty-two corporation councils sitting together constituted the National Council of Corporations, which had vast power in the regulation and control of commercial and industrial matters. The central committee of the National Council included not only federation representatives but the secretary of the Fascist Party and all of the Fascist ministers of state. The Head of the Government (Mussolini) was also head of the Ministry of Corporations and thus stood at the apex of the organized economic life of the country as well as at the head of its political institutions.

The great virtue of the corporative system, according to fascist theory, was that it effected a perfect reconciliation of capitalism and proletarianism, thus creating a truly organic state. It was said of the corporative plan that it brought the individual into relation with the state through his economic status and interests, thus making citizenship mean something actual and vital; whereas in other systems citizenship was said to be merely a political abstraction, assuming a civic individuality which did not in fact exist. Of course the corporative idea was merely syndicalism in fascist clothing. It was far removed from the anti-capitalistic, anti-political syndicalism of Sorel, whose disciple Mussolini once was; nor did it follow the free, democratic syndicalism proposed by the guild socialists. It was, nevertheless, an ingenious scheme of industrial and political regimentation built around the syndicalist idea of functional groups.

In one respect, however, fascism remained true to its Sorelian heritage. It gloried in the doctrine of violence. Sorel extolled violence not merely as an effective weapon of class warfare, but as a stimulant of courage, vigor, self-respect, and other militant qualities which he deemed essential to proletarian victory. Fascism on its way to power in Italy justified its violent tactics as practically and morally necessary to the success of a sacred cause. After achieving power, it defended the continued resort to violence as an essential prophylactic and disciplinary regimen requisite not alone for the protection of the state but for the realization of the exalted purposes for which the state was said to exist. Not only in internal affairs was violence espoused as a virtue, but in international relations as well. "War alone," said Mussolini, "brings up to its highest tension all human energy and puts the stamp of nobility upon the peoples who have the courage to meet it. All other trials are substitutes, which never really put men into the position where they have to make the great decision—the alternative of life or death. Thus a doctrine which is founded upon this harmful postulate of peace is hostile to Fascism."¹ Mussolini made the "great decision" for himself and for Italy, and the alternative turned out to be death—for him, for his régime, and possibly for his country; but not, at least not yet, for his philosophy.

Fascism from the beginning has been loud in its opposition to

¹ B. Mussolini, *op. cit.*, p. 11.

socialism and communism. Mussolini was an ex-socialist and it was the fear of communism more than anything else that gave him the popular support necessary to seize power. Doctrinally the fascists have always claimed to stand just as firmly against *laissez faire* capitalism as against socialism and communism, but their principal clamor has been against the latter. They bitterly denounced the materialism of the Marxian creed, and proclaimed that spiritual rather than economic motives are the fundamental forces of society. The corporate state was held up as a paragon which would give private initiative ample freedom and at the same time preserve and promote the well-being of all. Another feature of the corporative system, which certainly commended it highly to the fascists, was that it enabled the state to manage the whole economy as a national autarchy. Mussolini asserted that every people who would survive and be great must be imperialistic; a state which was not economically self-sufficient could never be politically independent and powerful. Therefore the state must control its imports and exports, arrange its production, and when necessary expand its dominions so as to make itself as nearly as possible a self-contained economic system.

III

It will be many years before the total and ultimate influence of the fascist ideology can be measured. There is no denying, however, that it has been world-wide. Fascist movements appeared in almost every country of the world, not excepting the United States of America. The Nazis in Germany, the Falangists in Spain, the Kuomintang Party in China, the Peronists in Argentina, the Vargas régime in Brazil—in fact, authoritarian movements everywhere found Italian fascism a helpful model and borrowed freely from it. It had just what they wanted to conceal the real inwardness of their designs. It sugarcoated raw power with a mystical idealism; it supplied a moral justification for violence; it exploited patriotism to the limit; it subtly rationalized minority rule; it capitalized the widespread fear of communism and the equally widespread dissatisfaction with democracy and *laissez faire*; it offered the masses a new religion with a new god to worship. Because of these qualities the fascist cult remains a potent force in the world, notwithstanding the annihilation of fascist states in World War II.

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CHAPTER XXXII

THE NAZI STATE

I

THE Nazi State skyrocketed to world power and plummeted to annihilation even more spectacularly than its Italian counterpart. Barely twelve years intervened between the time Hitler took the chancellorship of Germany and the day of final reckoning for him and the Third Reich. Hitler's Germany, like Mussolini's Italy, was a totalitarian dictatorship. The two had much in common ideologically as well as in political method and practice—so much, in fact, that it was easy to make the mistake of supposing that the Nazis were nothing more than phenomenally successful imitators of the Fascisti. The Nazis may have borrowed from their Italian forerunners in totalitarianism—probably did to some extent—but they really did not need to do so. Every significant ingredient of Nazi practice and Nazi philosophy was available without importation from abroad. For more than a hundred years the German Fatherland had been nourishing political ideas and usages perfectly suited to the Nazi requirements. Moreover, what the Nazis may have borrowed from fascism was much less important than what they added to it. In retrospect it is easy to see that it was the distinctly Nazi contributions which made German totalitarianism the most formidable implementation of arbitrary power since the time of Napoleon and German political thought the most corrosive of modern times.

There are parallels between Hitler's rise to power and Mussolini's, and parallels between the conditions in their respective countries which enabled them to seize the truncheon of absolute authority. But there is no parallel in the timing of their philosophies. As we have already seen, the philosophy of fascism was concocted as an afterthought, a rationalization after the fact of seizing power and inaugurating a totalitarian régime. The Nazi ideology, by contrast, was more like a blue print made in advance. Gottfried Feder's *The Political and Economic Program of the National Socialist German Workers Party* was written in 1920, Hitler's *Mein Kampf* in 1924–1927, Alfred Rosenberg's *The Myth of the Twentieth Century* in

1930. These are the major works of Nazi philosophy; all were produced before the Nazis came to power; indeed, before they were even close to power. After they gained power in 1933, the Nazis were too busy with power politics and the administration of government to devote much time and effort to philosophical speculations. But they were astonishingly faithful to the creed they had previously espoused, and there seems to be no doubt that they did all they could to put it into effect.

II

The fascist concept of the state, as we recall, was a synthetic blend of the traditionalism exemplified by Burke and Savigny and the metaphysical idealism of Hegel. It was a potent mixture, but not so potent as the Nazi brew of state ideologies. The Nazis did not altogether by-pass the traditionalist and idealist doctrines, but found them less useful than other concepts and therefore stressed them very little. Hitler repeatedly rejected Mussolini's idea that the state is "a spiritual and moral fact in itself." More than once in *Mein Kampf* he reiterated the point that the state should not be regarded as an end, but as a means. A means to what end? Hitler's answer was that the highest purpose of the state is to preserve and promote racial unity, racial purity, and racial development.¹ This explains why the Nazis found little to admire in Hegel, pretended even to scorn him. Hegel had called the state the "march of God in the world," whereas Nazi evolutionism upheld the thesis that race marks the path of "Nature's will to breed life as a whole towards a higher level."² "We, as Aryans, are therefore able," said Hitler, "to imagine a State only to be the living organism of a nationality. . . ."³

Rejection of the Hegelian concept of the state did not, however, prevent a large infiltration of Hegelian thought into the Nazi cult. Hegel's mystical deification of the state, the Nazis would not accept; but it could be transmuted, without thanks to Hegel, into an equally abstruse exaltation of the *Volk* or nation. Nazi writers frequently spoke of the *Volk* as a sort of metaphysical, supernatural entity having a spiritual reality apart from the existence of its members. They should have given Hegel credit, but they did not

¹ Sec A. Hitler, *Mein Kampf* (Annotated trans., New York, 1939), pp. 585-601.

² *Ibid.*, p. 390.

³ *Ibid.*, p. 595.

get their idealism from Hegel directly. They got it second-hand, partly no doubt from fascism and partly from various German writers who were influenced by Hegel. After the Nazi Party came into power the distinction between the state and the *Volk* was not so strongly insisted upon as before. Since they had transformed the German state into a *Volk* state, the Nazis could more readily perceive that the idealization of the state had its points.

The Nazis sometimes called their state a *Voelkischer Fuehrerstaat*, meaning a national leader state. Perhaps they took the leadership principle from the fascists; if so, they succeeded in giving it a very special Nazi twist. The leader in Italy was head of the élite party and head of the government, but not head of the state; the legal chief of state was the king. But in Nazi Germany the leader was head of the party, head of the government, head of the state, and, most important of all, head of the German nation considered as a racial community. Thus Hitler was held to be the leader of the German people as an ethnic group, the leader of the party which best expressed the culture and will of the German race, and necessarily therefore the head of the German state and the German government. Leadership was far more in Nazi Germany than just a matter of authority from above and confidence from below; it was the instrumentality through which nationality, state, and all political processes were fused into one. The national leader was hailed as the supreme embodiment of spirit and will of the German people and hence the infallible head of their political system. Totalitarianism therefore acquired a sanctity in Germany that was never attained in Italy.

German geopolitical theory also added somewhat to the peculiarly Nazi view of the state. Though not initially a Nazi creation, the so-called science of geopolitics was promptly enlisted in the service of Nazi political theory. The great supporting pillars of Nazi racial theory were the postulates that "blood" and "soil" are the most important factors in shaping social evolution. When Haushofer's elaboration and refinement of the geopolitical theories of Mackinder and Kjellen advanced the doctrine that a nation is a living organism in geographical space, requiring *Lebensraum* or living space to realize its potentialities, the Nazis welcomed it as a confirmation of their principle of "soil." Geopolitics was immediately incorporated in the Nazi creed, and geopolitical studies

were promoted on a large scale. Not only was it proclaimed that the Germans were a master race balked in the fulfillment of their mission in the world by the lack of *Lebensraum*; it was asserted that the Nazi state was different from all others in that it was a soundly conceived and specially adapted instrument of geopolitical science.

The Nazis could not unqualifiedly accept the traditionalist view of the state as a spiritual stream of beliefs, ideas, and usages descending from the indefinite past and going on to an indefinite future. There were two varieties of German political tradition for which the Nazis had no use, which in fact they were determined to destroy. One was the monarchical tradition and the other the particularistic tradition. They had no intention of espousing any principle which would strengthen the movement for the restoration of the Hohenzollern dynasty or any other ruling family in Germany. Nor did they propose to give doctrinal aid and comfort to the continued splintering of Germany by the preservation of the numerous petty kingdoms and principalities of the old federal union. But they were animated nevertheless by a strong traditionalist feeling. They professed a supreme devotion to the cultural and racial heritage of the German people, and took pride in avowing themselves determined trustees and guardians of priceless endowment from the past.

Although the Nazis declined to glorify the state as such to the same degree as the Italian Fascisti, they demeaned the individual just as fully. With the dictum of Kant and Fichte that the individual possesses not rights but duties, they ardently agreed. One of their axioms was that true freedom for the individual consists of subordinating himself to the *Volk* and working for its welfare. How, they asked, could any German be free unless the German nation was free—free politically, free economically, free racially, free geopolitically? The Nazis were also thoroughgoing totalitarians in their view that it was the necessary and rightful function of the state to exercise the minutest police supervision over the lives and activities of all its citizens. They allowed no sphere of privacy to any one; state regulation and control were extended to religion, education, art, architecture, music, literature, science, recreation, and even fashions. Needless to say they also established a completely authoritarian control over the economic life of the nation.

III

The most prominent feature of Nazi philosophy was its emphasis on race and its insistence that race is the measure of all things. "All that is not race in this world is trash,"¹ said Hitler. Outside of Germany such statements were deemed so ridiculous that many did not take the trouble to find out what lay behind Nazi racism. The Nazis conceived themselves to be standing on the solidest of solid scientific ground in this matter. That solid ground was the Darwinian theory of evolution. Nazi race theorists to a man were evolutionists. They believed, as multitudes of persons all over the world have come to believe in the past century, that the struggle for existence, natural selection, and the survival of the fittest constitute the fundamental law of life—the way God does his work with living things. They fully agreed with Herbert Spencer that this law operates in social as well as in biological life, but they did not follow Spencer's belief that the social struggle is between individuals. They were far more impressed by Walter Bagehot's idea that the social struggle is essentially one between groups. Nor did they go with Spencer on the inheritance of acquired characteristics. Spencer held that such characteristics could be transmitted by heredity; Darwin and most other evolutionists held to the contrary. The Nazis stood firmly with Darwin on this point.

From these evolutionary premises many pre-Nazi race theorists, especially Gobineau and Chamberlain, had made deductions as to the nature and development of the races of mankind. Although the influence of these race theories was world-wide, they were more fully accepted in Germany than elsewhere. During the last years of the nineteenth and the early years of the twentieth century the doctrines of Gobineau and Chamberlain were widely disseminated throughout Germany by official as well as unofficial methods. No less a personage than Kaiser Wilhelm II urged every one to read Chamberlain's *Foundations of the Nineteenth Century* and helped raise a fund to place a copy of the book in every library in the land. So, in making a fetish of race, the Nazis followed one of the main currents of German thought. Even if they had been insincere in their racial beliefs (which they certainly were not; they were too deeply indoctrinated with Gobineau and Chamberlain to be in-

¹ *Ibid.*, p. 406.

sincere), they would have been stupid not to have seen the practical utility of such beliefs in German politics.

It was widely believed in Germany, as Gobineau and Chamberlain had taught, that not only the biological but the mental differences of men are the result of natural selection in the struggle for existence; that by this method nature produces superior races and discards inferior ones; that every struggle between peoples furthers this selective process, and takes the superior races farther on the road to final perfection and supremacy; and that a mixture of superior with inferior races is dangerous if not wholly bad, because it dilutes the superior race and retards, perhaps even reverses, the process of evolution. It was also generally believed that the white race was superior to all others, that the Teutons were the best of the white race, and the Germans the best of the Teutons. It was likewise commonly held that the colored races, particularly the black peoples, were definitely inferior; and that the Jews, though superior in some respects, were far inferior in moral and cultural qualities.

Nothing fundamental was added to this pre-existing body of racial doctrine by the Nazi writers. What the Nazis did, with appalling success, was to elaborate, refine, emotionalize, sublimate, and effectuate. Thus, although they said little that had not already been said about racial intermarriage, they had much to say about the right and duty of the nation to forbid it, to purify itself by expelling from its midst the members of inferior and incompatible races (particularly Jews), and to rediscover its soul in the process of forging a unification of the Nordic race. Race, said Rosenberg, "is the outer form of the soul." Each race had a soul of its own, he declared; and each must find its soul through the recognition of its own supreme value. Transcendentalizing race in this fashion was not new; Chamberlain had already done it; but Rosenberg added new embellishments, one of which was an adaptation of the social myth doctrine of Sorel. By recognizing racial truths and values, by incorporating them in a life-myth, Rosenberg said it would be possible to create a new human type in the twentieth century.

Bagehot had said that the winner in the group struggle is always the group in which there is the greatest internal cohesion and cooperation. Reading this through racially tinted lenses, the

Nazis construed it to mean that a polyglot state could never compete on even terms with one that was racially pure. They went even farther, and attributed Germany's past defeats and failures to the lack of that "sure herd instinct which is rooted in unity of the blood and which guards the nation against ruin especially in dangerous moments. . . ." ¹ The presence in the German population of large non-Nordic elements, particularly the Jews, had enfeebled the nation, it was said, and left it incapable of surmounting great crises. Germany could never become great and strong, never could realize her true possibilities as a nation unless these incongruous elements were eliminated. This was the justification for the policy of dispossessing, expelling, and exterminating the Jews. If Germany had triumphed in World War II, the Nazis undoubtedly would have applied the same rule to other subject races which their race scientists classified as inferior and unassimilable.

Another rule of political practice for which the Nazis found justification on racial grounds was that of government by a minority. The superior races, particularly the Nordics, were said to represent the climax of the evolutionary process. They were the best that nature had produced, but she had not yet produced them in great numbers. They were a minority in every population, though they were better fitted to rule than any others and for the good of the nation ought to rule. One of the glaring weaknesses of democracy, according to the Nazi theorists, was majority rule, which resulted always in government by the congenitally inferior and incompetent.

Race also provided the Nazis a principle which enabled them to outdo Machiavelli in subordinating ethics to political expediency. Whereas Machiavelli simply divorced politics and ethics, the Nazis said that all ethical values depend upon race. No ethical values can be valid for all races, according to their doctrine; for races are different in all of the elements that enter into the making of morals. Inferior races produce inferior ethics; superior races superior ethics. Above all other races in ethical qualities and insight stood the Nordics. Because of this, the Nordics could not be judged by or be held subject to the lower ethical standards of other races. Nor could inferior races presume to adopt Nordic moral standards; only Nordics had the qualities to live by those stand-

¹ *Ibid.*, p. 598.

ards. It followed, therefore, that whatever the Nordics and their Nazi leaders did in conformity with Nordic moral standards was right, and furthermore that whatever they did in the interest of Nordic supremacy was also right.

The aggressive nationalism of the Nazis was also strongly bolstered by their racial dogmas. Having persuaded themselves that race is the paramount thing in social evolution, that evolution works by struggle and natural selection, that the Nordic master race had to gain supremacy, dominion, and room to expand or be submerged by inferior peoples, the Nazis could hardly avoid the conclusion that it was not only the duty but the wise policy of the German nation and the German state to wage war whenever a favorable opportunity occurred to expand their territory and subjugate inferior peoples. This would be doing no more than following nature's will; setting nature's laws in motion. "We acknowledge," said Rosenberg, "the old saying that combat is the father of all things, not only as an empty formula but as the content of our lives."¹

The Nazi concern with race reached far beyond the elimination from Germany of the inferior and incongruous races and the upbuilding of a Nordic world empire; the master race itself must be constantly improved by ruthless application of the principles of eugenics. The Nazi race scientists accepted the axiom of the eugenic theorists who held that heredity is nearly everything and environment very little in the process of evolution. Hence it was not merely a proper function but an absolute duty of the race-state to see that heredity worked right. Inferior individuals, even of the Nordic race, should not be allowed to reproduce their kind and perpetuate their deficiencies. On the other hand, the reproduction of superior individuals should be encouraged and aided in every possible way. The practical execution of this policy was one of the features of the Nazi system which greatly shocked the outside world. Laws were enacted and rigorously enforced, which provided for the sterilization of those who were victims of physical or mental defects or diseases which Nazi medical authorities held to be hereditary. It was also reported that euthanasia ("mercy killing") was authorized for those with incurable ailments and widely employed. Persons having certain diseases and disorders,

¹ Quoted in M. Rader, *No Compromise* (New York, 1939), p. 164.

both physical and mental, were forbidden to marry; and marriage between members of the "master race" and Jews and colored persons was likewise banned. To encourage the procreation of more and better children by the racially and eugenically superior stocks, various forms of financial aid were extended to well qualified couples begetting large families of children. Unmarried women of the superior racial and physical stocks were also encouraged to have children by males of corresponding excellence. Such children became the wards of the state and special honor was paid to their mothers.

IV

Along with the evolutionism, or Social Darwinism, of the nineteenth century, the Nazis took over and elaborated the anti-intellectualism or irrationalism which had received a great impetus from the naturalism of Rousseau. All of the liberal and rationalist ideologies of the eighteenth and nineteenth centuries had proceeded on the assumption that man, both individually and collectively, is a rational creature, capable of following the light of reason to objective truth. Although Darwinism did not flatly refute this view, it did not clearly and strongly confirm it either. Indeed, there were some implications of the Darwinian thesis and some interpretations of it which could nourish the conclusion that natural selection is not, so far as man is concerned, a rational process. The German idealists, though not Darwinists, had attached great importance to unconscious mental processes as compared with conscious reason, and many writers of the late nineteenth and early twentieth centuries (e.g., Schopenhauer, Nietzsche, James, Bergson, Sorel, Mosca, and Pareto) had minimized reason and enlarged upon such forces as will, instinct, and intuition.

The Nazis went all out for irrationalism. Most human beings, they declared, even the literate and educated, are stupid and irrational—seldom guided by intelligent self-interest in matters of direct material concern to themselves. They have little capacity for objective thought, and seldom think at all. Instead, they follow emotion and prejudice. They are easily fooled, will believe the most preposterous lies if they are presented in an agreeable garb of passion or sentiment. Obviously, said the Nazi writers, such pathetically irrational creatures cannot govern themselves. Democ-

racy is the greatest of all fallacies. What men need, and what they really want in their inmost emotional natures, is to be led and governed by the few who have the necessary understanding and ability to think and act. Hence, the Nazis concluded, government by the political élite is not a violation of the people's rights, but is in perfect harmony with the nature of man.

Not only democracy, but any other system which presumes intelligent action on the part of the masses, is scientifically unsound, according to the Nazi view. Man is too irrational, they said, even for communism. The communistic theory necessarily assumes, they pointed out, that all men are primarily motivated by their own economic interests and hence that all social institutions and processes are economically determined. This cannot be true, according to the Nazis, for most men are not rational enough to know what their true economic interests are or to follow them when told what they are. Therefore communism will never do away with the economic exploitation of the masses; will never achieve economic democracy, as Marx prophesied; it will merely substitute a new and worse system of exploitation for the old. Moreover, communism, being wholly materialistic, misses the true basis of human action, which, said the Nazis, are faith and vision and will.

It is a good thing, declared the Nazi theorists, that men are not rational. If all men, or even a majority, were fully rational it would never be possible to weld them together into strong social communities of any kind. Men of thought, they asserted, are hesitant, irresolute, and unduly individualistic. They never can successfully combine for action. The state which wishes to be strong should see to it that its people never become too intellectual. It should provide the kind of education which would make good citizens rather than good thinkers. Physical training for strong and healthy bodies and moral training for good character should be the main functions of education. After them should come training in technical knowledge and skills of value to the state. The higher studies, especially the liberal arts, should be discouraged except for a few very exceptional persons. Those admitted to advanced studies should be selected on the basis of racial purity and loyalty to the state; mental ability was less important than these. Even the leaders should not be overly intellectual. Of course they should be more so than the masses; they should be sufficiently intelligent

and educated to understand and utilize the irrationality of the people, to plan and execute programs, and to deal successfully with the problems of state; but they should not be so highly educated as to lose the vigor, courage, and singleness of purpose that are essential to leadership.

Irrationalism led the Nazis to attach great importance to Sorel's idea of the social myth. It was the Nazi view that since men are not rational creatures and cannot live by reason, they must have a substitute for reason—some faith or belief by which they can regulate their behavior and guide their lives. The best substitute, the Nazis thought, was a plausible social myth. It need not be true, but it must possess the kind of emotional appeal that would unite the masses and inspire them to action. One of the primary functions of the state, in their opinion, was to create and maintain such myths. The Nazi state had done this, they said, in exalting the idea of race—a myth which they regarded as not only true but as the most dynamic of all social myths. It was the special task of the Nazi Party to use all of the means at their disposal and at the disposal of the state to inculcate this myth and give it vitality.

Another conclusion to which the Nazis were led by their irrationalism was that nothing can be universally true for all human beings. Men are too irrational to grasp universal truths, said the Nazi theorists; and how can truth that a people cannot know, be truth for them? Their answer was that nothing can be correctly called a truth for any people unless they are capable of seeing and understanding it. Therefore, what is truth for one person or one people is not truth for another. The whole matter is relative. There are many truths; each people, according to its racial nature and social conditioning, determines which of these many truths are truths for it. The Nazis applied this doctrine not only to moral truths and sociological truths, but to truth in the realm of mathematics, physics, and other objective sciences. They insisted that there was not only a distinctly German political science, economics, etc., but also a distinctly German biology, physics, mathematics, and chemistry. As regards morals, the Nazis put themselves fully on record both in words and deeds. Jewish morals, Christian morals, democratic morals—all morals save those dictated by the innate moral sense of the German race—were denounced and rejected. Irrationalism was likewise a factor in the Nazi adoption

of Sorel's doctrine of violence. Sorel had argued that proletarian violence is a necessary and morally justifiable weapon of class war; by using violence to force the capitalist classes to fight, the proletarians would have an earlier opportunity to smash them. The Nazis were anti-proletarian and proposed to meet proletarian violence with greater middle-class violence. To do this, they not only had to convince the German middle classes that it was expedient to employ violence against the proletarians but that it was morally justifiable to do so. The moral relativism of the irrationalist doctrine was a great help in this particular. The Nazis could argue most persuasively that the middle-class aversion to violence was an archaic survival of a moral code that belonged to a different time, a different people, and a different situation. Morals, they could eloquently insist, are not absolute and eternal, but are expressions of the needs of a people and a state under the conditions of their existence at the time.

V

The virulence of Nazi hatred for communism was exceeded only by the vehemence of their demands for a state-managed economy. This was not an inconsistency, though many have deemed it such. The Nazis had no objection to socialism; many of them were thoroughly doctrinaire socialists. What they could not tolerate was the proletarianism of the communist movement, especially the proletarianism of Russia. Nazism was a middle-class, rather than a working-class movement. The middle classes could not line up for any brand of socialism that proposed to dispossess all private owners and capitalists; but it could be won over to an inscrutable thing called "national socialism," which promised to preserve and protect capitalism and at the same time use the power of the state to correct all the shortcomings of capitalism and manage the economic affairs of the nation so that common interest would take priority over self-interest.

The Nazi lease of power did not endure long enough for their economic conceptions to take conclusive form, but they diluted private capitalism until hardly more than the name survived. Private ownership was allowed to continue, but the state controlled and supervised every step of the economic process. The business man was told exactly what he might or might not do with his

capital and how much profit he might make. The same authoritarianism was applied to agriculture and to labor. The Nazis professed a very special concern for agriculture. They deplored the neglect of the nation's basic resource—its soil—and contended that the rapid industrialization and urbanization of Germany had weakened the nation by making it increasingly dependent on imports. The Nazis proposed to put German agriculture on an equal footing with German commerce and industry, and the measures they took to accomplish this added up to the almost complete regimentation of the farmer. He lost his freedom to produce and market his crops as he saw fit, even his freedom to bequeath, sell, or mortgage his land as he wished. Labor was put into a similar strait-jacket. All pre-existing labor unions were outlawed, and all workers, "whether of brain or hand," were obliged to become members of the so-called labor front, which was nothing more than a state-managed hierarchy of employee organizations. State officials determined all matters of wages, hours, and working conditions. Strikes were forbidden, and all labor controversies were settled by various forms of compulsory arbitration or adjudication.

VI

The defeat of Nazi Germany has not destroyed Nazism. That much of the Nazi ideology should survive in Germany was to be expected. It was a philosophy born of the defeat of Germany in World War I, and, despite the fact that it was one of the chief factors in the defeat of Germany in World War II, it still possesses all the qualities to beguile a frustrated, despairing, and humiliated people. Multitudes of Germans will not perceive its connection with the disaster which befell them in 1945, and multitudes of distraught persons in other countries may not see that point any more clearly than multitudes of Germans.

Nazism is still dynamic and still dangerous because its conglomeration of mysticism, half-truth, prejudice, amorality, and statism is an invitation to destroy any disliked social order.

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CHAPTER XXXIII

THE COMMUNIST STATE

I

NINETEENTH-CENTURY proletarianism was of no immediate political importance. Bold though it was in doctrine, aggressive in propaganda, and vigorous in endeavor to organize the working population for class war, it had little success in winning political victories. Proletarian thinkers and leaders were deeply divided both on points of theory and on the best tactics to initiate and win the great revolution. The more impatient favored "direct" action by such means as an insurrectionary uprising of the masses, the general strike, or destructive sabotage; the more moderate and patient preferred "political" action as exemplified in such tactics as party warfare, pressure politics, electoral competition, and gradual legislative reform.

Political-actionists organized socialist parties and competed vigorously in electoral struggles, but without conspicuous success. Socialist parties won many seats in parliamentary assemblies, but never a majority and seldom even a balance-of-power minority. Pressure methods, as commonly employed by labor unions, were slightly more successful in securing "progressive" legislation but resulted in nothing more than piecemeal reforms at best. No form of political action seemed capable of realizing the whole socialist program. Direct-actionists made more noise than the political-actionists and stirred up sharper conflicts, but they could show even less in the way of practical achievement. They kept alive the spirit of revolt and carried on an irritating, though not very damaging, guerilla warfare against capitalistic institutions; but the great uprising of the proletariat just would not arrive.

Such was the proletarian picture at the outbreak of World War I. That great cataclysm upset all strategic calculations. Both capitalist and proletarian thought entirely misjudged the significance and consequences of the war. At first it seemed to sound the death-knell of proletarianism. Socialist parties, swept from their moorings by the hysterical outburst of nationalism that accompanied the war, forgot their proletarian principles, joined their bourgeois

opponents in the hymns of hate, and allowed capitalism almost without rebuke or check to manage the war and make the peace. The few proletarian leaders who stood firm on their principles and strove to arouse the working populations of all countries against this "capitalist war" paid for their indiscretion by death, imprisonment, and exile.

But the pendulum was swinging toward proletarianism none the less. The undue prolongation of the war resulted in a widespread condition of social and economic prostration which halted the trend to the Right and started a movement in reverse. The backswing came before the end of the war in some countries and in others not until the post-war crises set in. But in all cases it spelled opportunity for proletarianism. Proletarian strategists did not in every instance see the opportunity when it came; in other cases they saw it clearly enough and tried to take advantage of it, but failed. In Russia, however, proletarian leadership gauged the situation correctly, won its way to power, and launched the first communist state in the history of the world.

Russian capitalism rested on too shaky a base for a long and destructive war. By 1917 Russia was at the end of her rope. It was impossible for the Czar to maintain his authority at home, let alone proceed with the war. The overthrow of the Romanoff dynasty was accomplished almost without a struggle. The succeeding provisional government was a middle-of-the-road régime which could rule only with the consent of its radical or conservative opponents. This meant opportunity for one or the other of these two groups of extremists. Both saw it, both made ruthless bids for power, and the radicals won. The Bolsheviki (Left Wing Socialists and Communists), led by Lenin and Trotsky, gained the support of the soviets of soldiers, sailors, and workingmen, the only cohesive force left in Russia; smashed the faltering Kerensky government; suppressed all counter-revolutionary movements; and hoisted themselves to dictatorial authority. Proletarianism had won its first great political victory. The order was immediately given to march forward, not only in Russia, but throughout the entire world. The Bolsheviki fancied themselves the vanguard of a world revolution which would quickly culminate in universal communism.

The expected world revolution did not materialize; but communism succeeded in securely intrenching itself in Russia, from

which point of vantage it set in motion wave upon wave of propaganda and intrigue against the capitalist front. Though the cause of proletarianism was not always well served by the missionary zeal of the Soviets, it must be admitted that the proletarian movement throughout the world, even in countries where communism seemed to have little chance, was greatly heartened and sometimes directly aided by the Russian government. Russian proletarianism extended its authority from the Baltic to the Pacific and from the ice-packs of the Arctic to the borders of India and Iran. It penetrated deeply into the seething politics of China and appeared as a distinct threat to imperialist Japan. On the western front it seemed likely for a time to overrun Poland, Germany, Italy, and the whole region of the Danube, but was held back by diplomatic and military combinations among the western states. This check gave time for the rise of anti-communist régimes in several of the countries threatened by Bolshevism and for setting up an opposing barricade both of armaments and ideologies. Italy and Germany in particular, by reason of the breathing spell thus afforded, were enabled to re-enter the European embroglio as aggressive military powers, hurling defiance not only at communism but at every conceivable opponent of their most unbounded national aspirations.

The effect of this was to upset the security arrangements which had been so carefully contrived through the League of Nations, the Locarno Pacts, and the Little Entente. France, finding herself virtually isolated in Europe save for the uncertain friendship of Great Britain, faced about and made an alliance with Russia. In the elections of 1936, which followed soon thereafter, the French people, disappointed at the failure of their conservative parties to ease the difficulties of the great economic depression which had seized the world in the 1930's went radical in a large way and turned their government over to a Popular Front made up of Radical Socialists, Socialists, and Communists. Great Britain, which had turned from a Labor to a so-called National Government in 1931, and from that to a Conservative régime in 1935, found herself in 1936 in the anomalous position of coöperating with communist Russia and socialist France to avert the menace of an Italo-German combination. Spain, in constant turmoil throughout the post-war period, voted a communist government into power in 1936 and was immediately convulsed by a desperate civil war in which

fascist rebels, with aid from Germany and Italy, were pitted against republican communists receiving help from Russia and France.

So sharp was the cleavage brought out in the Spanish struggle, so bitter the contest, and so fateful the outcome, that rumblings of war echoed from Madrid to Tokyo. Once and for all, cried the Nazi and Fascist leaders, the onward march of communism must be stopped. To which the spokesmen of communism replied that capitalist tyranny lurking behind the mask of fascist nationalism must be forever scotched and destroyed. Liberal nations, abhorring proletarian and fascist madness alike, were confronted with a grave dilemma. They did not wish to take sides, but could they keep out of the impending broil? Was neutrality possible? And if possible, was it safe? Fascism and Russian communism were both avowed enemies of democracy and all it stood for. Victory for either would be a defeat for democracy. Diplomatic intervention might be of some avail in averting such an outcome, but the more powerful democratic nations decided that the safest policy was to arm and wait.

They did not have to wait long. They were not yet fully armed, nor even well prepared psychologically, when World War II broke out in 1939. At first it looked as though that conflict would be a straight-out struggle between the democracies and the totalitarian states. Russia had momentarily removed herself from the equation by a pact with Germany under which, as a reward for her "neutrality," she shared the spoils of Germany's conquests adjacent to the Russian borders. If Russia and Germany could have remained at peace, the outcome of the war might have been very different. But that was not to be. Germany turned on Russia in the summer of 1941. Then it became a matter of political and military necessity for the democracies to give all possible aid to a régime as autocratic and as hostile to democracy as those of Hitler and Mussolini. Every one knows the result. Communist Russia emerged from the war the strongest military power of the eastern hemisphere, and fully determined to use that power not only to establish her own security, not only to make herself the overlord of Europe and Asia, but to prosecute even more zealously than before her world crusade for communism. Post-war conditions favored her in many ways. Europe and Asia were economically prostrate and politically desperate. To go Left was at least to

repudiate the past, and that was something multitudes wanted to do. Russia established communist régimes in her satellite states; Great Britain voted the Labor Party into power and entered upon a program of proletarian socialism; strong communist parties arose in France, Italy, and other western states; and communists and nationalists battled for control of China. Proletarianism was now a leading contender in the arena of world power.

II

The purely political thought of Russian proletarianism, though not extensive, is thoroughly integrated and is laid on substantial philosophical foundations. Nikolai Lenin, the now beatified saint of Bolshevism, was not only a revolutionary leader of great sagacity and practical ability, but was also a writer and thinker of exceptional penetration and power. He claimed to be nothing more than a faithful disciple and authentic interpreter of Marx and Engels, but he was also a thorough student of Hegel, and his writings reveal a mind quite aware of the deeper philosophical implications of the Marxian creed. Lenin was no mere opportunist. Long before the Russian Revolution he had a positive and coherent political philosophy, and this philosophy, after he became head of the Russian state, governed all his public decisions and acts. It became and has remained to a very large degree the political road map of Russian communism.

Marx had prophesied the ultimate disappearance of the state. In the communistic society which he envisioned as the culmination of social evolution, the state, said Marx, would be superfluous and hence would be discontinued. Lenin fully accepted this postulate. But Marx had also predicted a transition period between capitalism and communism in which the state would be supremely important. Lenin accepted this dictum, too. All true believers in the Marxian gospel likewise acknowledged these two fundamental articles of faith, but there were wide differences of interpretation which split the faithful into bitterly hostile sects, each of which claimed to be the one true and authentic expounder of the Word.

Seizing upon the phrase so often used by both Marx and Engels, "the State withers away," the different schools of Marxian thought worked out interpretations to their own satisfaction. Evolutionary socialists contended that revolution, whether by direct or political

action, was not a necessary item of the Marxian program. Gradual evolution, according to their view, would duly effect the transition to communism and thus fulfill the Marxian prophecy. Political actionists, having great confidence in democracy and the practical possibilities of political reform, argued that the withering away of the state would come as the final result of a grand series of socialistic measures which would leave it no functions to perform. Opportunists held that the state would wither away as the result of paralyzing crises in capitalistic society, provided the proletarians were alert and organized to take advantage of them as they occurred. Anarchists and syndicalists, having no patience with any sort of temporizing, contended that the proletarian revolution was destined to wither the state by the direct and simple expedient of abolishing it at a single stroke.

Lenin denounced all of these views as subversive heresies grossly distorting the true Marxian doctrine, treasonable to the proletariat, and philosophically and scientifically unsound. His interpretation and his alone, he defiantly insisted, was the one correct rendition of the Marxian prognosis. The whole philosophic system of Marx, said Lenin, converges around the doctrine of dialectical materialism. Marx had applied Hegel's doctrine of development by the process of thesis, antithesis, and synthesis to the field of economic and political life; Lenin, a careful student of Darwinism, was of the opinion that the Hegelian formula was scientifically superior, in the realm of social speculation, to the Darwinian. Dialectic or logic, as Lenin defined it, was far more than the formal science of intellectual pattern-making; it was the understanding of evolution in its fullest, deepest, and most universal aspects—the correct mirroring, as he was wont to say, of the eternal development of the world. To achieve scientific objectivity of understanding, it was necessary, he declared, to deal exclusively with things independent of mind, sensation, and experience; in other words, to deal only with concrete material facts. Ideas, Lenin asserted, whether individual or social, are the result of matter acting on and in our sense organs. A correct analysis of social processes must depend, therefore, upon a full and thorough understanding of underlying material facts and forces, and these in the main, he said, were economic.

This dialectic of historical materialism, said Lenin, was not only

Marx's grandest contribution to social thought; it was the master key to the correct interpretation of Marx's own system of economic and political thought. Social change, according to Lenin's reading of Marxism, is wrought by material forces, but comes neither by gradual evolution nor spontaneous convulsion. It comes, he persisted, when determined human beings, correctly reading the chart of history and seeing that material facts indicate a possibility of change, get in line with nature's law of development and actually drive through to the attainable end. Some situations may yield very limited results, while others may open the way for sweeping revolution. The all-important thing for the proletariat, he advised, was to see clearly whether the situation was favorable to its objectives, and then to act according to the material realities of the occasion, moving as fast and as far as the circumstances would allow, but never pressing beyond the limits of the materially practicable.

Such being the scientific mode of social change, it must be clear, Lenin argued, that a successful proletarian movement could not depend on evolution alone; could not afford to temporize with reformist or opportunist expedients, or beguile itself with anarchism's idle dream of immediately doing away with all political administration. Proletarian victory could only come as the result of carefully calculated revolutionary action, accurately timed and rationally confined to objectively feasible steps. For such a program Lenin was certain that Marx had provided an infallible chart and compass. "The whole theory of Marx," wrote Lenin in *The State and Revolution*, "is an application of the theory of evolution—in its most consistent, complete, well considered, and fruitful form—to modern capitalism. It was natural for Marx to raise the question of applying this theory to the coming collapse of capitalism and to the *future* evolution of *future* Communism."¹

Marx had taught that capitalism cannot be immediately followed by communism. Between the two there must intervene what he termed "the period of the revolutionary transformation of the former into the latter." This transition period, in Lenin's thinking, would be the most critical time for the proletarian régime. Although capitalism was bound, as Marx had explained, to engender

¹ From excerpt in *A Handbook of Marxism* (ed. by E. Burns, New York, 1935), pp. 740-741.

forces inductive of its own downfall, these forces would not of themselves establish communism in the place of capitalism. They might, in fact, if the proletarians misjudged the situation, result in the restoration of capitalism in a modified and even more virulent form. The supreme task of the proletariat, upon the collapse of capitalism, was to carry through a revolution so complete that capitalism could never return.

For this, said Lenin,

“We need revolutionary *power*, we need (for a certain period of transition) the State. Therein we differ from the Anarchists. The difference between revolutionary Marxists and Anarchists lies not only in the fact that the former stand for huge, centralized, communist production, while the latter are for decentralized, small-scale production. No, the difference as to government authority consists in this, that we stand *for* the revolutionary utilization of revolutionary forms of the State in our struggle for socialism, while the Anarchists are *against* it.

“We need the State. But we need none of those types of State varying from a constitutional monarchy to the most democratic republic which the bourgeoisie has established everywhere. And herein lies the difference between us and the opportunists and Kautskians of the old, decaying Socialist parties. . . .

“We need the State, but not the kind needed by the bourgeoisie, with the organs of power in the form of police, army, bureaucracy, distinct from and opposed to the people. All bourgeois revolutions have merely perfected this apparatus, have merely transferred it from one party to another.

“The proletariat, however, if it wants to preserve the gains of the present revolution, and proceed further to win peace, bread, and freedom, must ‘destroy,’ to use Marx’s word, this ‘ready-made’ State machinery, and must replace it by another one, *merging* the police, the army, and the bureaucracy *with the universally armed people*.”¹

The correct strategy for the proletariat, then, was to seize control of the state and continue the authoritarian system, using it for proletarian ends. On no account, however, should the proletarians allow themselves to be led astray by the illusion of democracy. On this point Lenin was explicit and emphatic. Democracy and proletarian revolution simply would not mix. “It is possible,” he wrote,

“by means of a successful insurrection in the centre or a mutiny in the army, to defeat the exploiters at one blow, but except in very rare and

¹ “Letters from Afar,” *ibid.*, pp. 774–775.

particular cases, the exploiters cannot be destroyed at once. It is impossible to expropriate at one blow all the landlords and capitalists of a large country. In addition, expropriation alone, as a legal or political act, does not by far settle the matter, since it is necessary practically to replace the landlords and capitalists, to substitute for theirs another, a *working class*, management of the factories and estates. . . . It is inevitable that the exploiters should still enjoy a large number of practical advantages for a considerable period after the revolution. They still have money (since it is impossible to abolish money at once), some moveable property (often of a considerable extent), social connections, habits of organization and management, knowledge of all the secrets (customs, methods, means, and possibilities) of administration, higher education, closeness to the higher personnel of technical experts (who live and think after the bourgeois style), and incomparably higher knowledge and experience in military affairs (which is very important). . . .

"In these circumstances to suppose that in any serious revolution the issue is to be decided by the simple relation between majority and minority is the acme of stupidity, a typical delusion of an ordinary bourgeois Liberal, as well as a *deception of the masses* from whom a well established historical truth is concealed. This truth is that in any and every serious revolution a *long, obstinate, desperate* resistance of the exploiters, who for many years will yet enjoy great advantages over the exploited, constitutes the rule."¹

Here we reach the theoretical underpinning of Lenin's doctrine of proletarian dictatorship. The freedom of a liberal or democratic state plays into the hands of counter-revolution; hence there must be no freedom in the proletarian state, at least not until the revolution has completely liquidated the bourgeoisie. A dictatorial government acting as trustee for the proletariat was what Lenin advised for the transition period. The proletarian masses could not directly govern themselves, or intelligently control and guide the policies and processes of a complex modern state; this must be confided to a relatively small body of organized, disciplined, and clear-thinking leaders, the "armed vanguard" of the proletariat.

Lenin had no doubt that in Russia it was the special mission of the Bolshevik Party to serve in the capacity of armed vanguard. If, he reasoned, it was right for the proletariat to overthrow the bourgeois state and set up a state of its own, it was equally the right of the party best fitted for proletarian rule to seize control and administer the new régime in such a way as to make sure of

¹ "Proletarian Revolution," *ibid.*, pp. 834-835.

the communistic goal. This was the objectively practical way to success, and, being such, it was also the ethical way. The Bolshevik Party was truly Marxian and truly revolutionary; social evolution had presented it with an opportunity for power, and it would be a betrayal of the proletariat for it to decline the dictatorial role which the necessity of the situation demanded.

Sentiment and feeling, Lenin repeatedly insisted, should have no place in Bolshevik theory or practice. Every problem and every situation should be approached dispassionately and objectively. Theory and practice should be absolutely integrated with reference to the ultimate goal. Violence should be used when practical gains would result, likewise moderation. Compromise and retreat should be governed by the same rule. To attempt to leap at once to communism was sheer madness. Be patient, he counseled; know when to wait, when to go slowly, and when to strike rapidly and decisively and go forward. Above all else hold on to power! Never risk the loss of the state. With the "armed vanguard" in power, slowly but surely reconstructing the social system, Lenin was confident that the coming of communism could be only a matter of time. That, he said, was the teaching of Marx, and the infallible law of history.

III

During his tenure as dictator Lenin instituted a New Economic Policy, which was characterized as a "strategic retreat" from communism. Such a course was entirely consistent with his political theory and did not signify the abandonment of the communistic goal. Since Lenin's death his words and ideas have come to be even more venerated in Russia than those of Marx and Engels. The fierce struggle, immediately following the passing of Lenin, was not merely a contest between Stalin and Trotsky for control of the governmental machine; also at issue was the question of which would become the authentic and final interpreter of Leninism. The triumph of Stalin and the policies followed under his dictatorship led many to suppose that a less revolutionary Leninism had emerged. Trotsky had insisted that the Russian Revolution was but a phase of a forthcoming world revolution which both Marx and Lenin had foreseen, and for which Lenin had planned the correct strategy. He demanded, therefore, that the Russian state

devote itself unremittingly to the promotion of proletarian revolutionary activity all over the world.

Stalin seemed to turn his back on all this. He not only dissolved the Communist International, but appeared partial to definitely nationalistic policies. Even by observers and commentators not at all sympathetic with communism, it was often stated that Stalin's purpose was not to spread communism throughout the world, but to establish it safely and solidly in Russia. The adoption of a pretentiously liberal constitution in 1936, the series of five-year plans, the increased attention to Russian history and culture, and various other trends and occurrences gave color to these suppositions. Even as late as 1946 an American writer of considerable prominence made the confident assertion that "the Soviet Union is now pledged to a policy of democratic internationalism."¹

It is becoming increasingly plain, however, that the Soviet policy of democratic internationalism does not contemplate unreserved coöperation with capitalist democracies. Lenin would have approved this intractability. Many times, in the most emphatic language, he warned the communist faithful that capitalist democracy was more than just a snare and delusion; it was the most insidious danger the proletarian revolution has to face. A democratic republic with universal suffrage was the best instrument capitalist tyranny could possess. Lenin pointed out that this was not his opinion alone, but also that of Marx and Engels. Universal suffrage in a capitalist democracy, he said, is simply not capable of expressing the will of the working class and insuring its realization; but the bourgeoisie, taking advantage of the belief of the people that it does, can deceive them into believing themselves not exploited, can even deceive them into reaction against the proletarian social order.

If the leaders of present-day Russia were in need of proving themselves faithful disciples of Lenin, they could do nothing more convincing than the courses now being pursued in their dealings with the capitalist democracies.

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CHAPTER XXXIV
THE DEMOCRATIC STATE

I

AS the midpoint of the twentieth century approached, democratic government seemed to be moving rapidly toward the ultimate crisis which would determine its downfall or survival. From the Whig Revolution of 1688 in England down to the second decade of the twentieth century the forward march of democracy, though often violently challenged and sometimes appreciably slowed, was never reversed. Slowly but irresistibly, in every part of the world, democratic ideas and democratic institutions gained ground. This progress was halted by World War I—a struggle which, in the words of one of its most eloquent leaders, was a war “to make the world safe for democracy.” Historically as well as politically, this was a very inadequate interpretation of the significance of World War I, but it had a tremendous emotional appeal. For millions in the countries which joined hands against Germany and her allies it became a sustaining faith. Multitudes in the United States, Great Britain, France, Italy, and other democratic countries devoutly believed that the defeat of the central powers would destroy the remaining strongholds of autocracy and insure the security of democracy for all time to come.

The military victory was won, but not the political victory. As the final returns came in, it became shockingly clear that the military victory had not made the world safe for democracy—had, in fact, made it more unsafe than at any time since the Battle of Waterloo. Russia, though throwing off the yoke of the czars, had merely traded in the old model for a new and more efficient vehicle of absolutism. Austro-Hungarian autocracy had buckled and gone to pieces, but out of the ruins had sprung only one avowedly democratic state—Czechoslovakia. The other succession states, Hungary, Austria, and Jugoslavia, had made formal bows in the direction of democracy but actually had relapsed into something very close to absolutism. Throughout the Balkans, where before the war there had been hopeful stirrings of democracy, the old order

had reasserted itself with renewed truculence. Turkey, rising from defeat to vigorous nationhood, had discarded a feeble sultanate for a virile dictatorship. Italy, bitter over her treatment at the Versailles treasure-hunt and rent with internal discord, had forgotten the ideals of Mazzini and Garibaldi and surrendered to a Fascist dictatorship that was rabidly anti-democratic. Poland, encircled by enemies, had sought safety in military despotism. Germany, after vainly striving to solve her domestic and international difficulties under a democratic constitution, had resigned herself to the fanatical autocracy of the Nazis.

In Europe democracy had survived only in Great Britain, France, Czechoslovakia, Switzerland, Belgium, The Netherlands, and the Scandinavian countries. It had *survived* in those countries, but it was far from safe. In the Far East it had not even survived, for the promising democratic movements in China and Japan had been aborted by the forces of militarism and imperialism. Subversive movements against democratic government sprang up on every side, spreading even to the Western Hemisphere where the United States stood guard as the self-knighted Sir Galahad of nations. In 1939 the forces of absolutism struck again, and again the democracies were forced to fight for survival. Again the democracies won the military victory, and again, at the end of World War II just as before, they lost the peace. The democracies had crushed Germany, Italy, and Japan, but they had not crushed political absolutism. In World War II as in World War I, the democracies, for reasons of political and military expediency, had leagued themselves with Russia, the one great state of the world in which democratic ideas had never gained a foothold even among the most radical elements of the population. The Russian Revolution had been as much a revolution against democracy as against czardom; Lenin, Trotsky, Stalin, and other Bolshevik leaders made this perfectly clear in their writings and speeches. Events also made it clear that the Russian people had no comprehension of democracy, no interest in it, and no zeal for political freedom. The Russian masses had always been subject to autocratic rule; it seemed a perfectly natural system of government to them; they had no objection to it *per se*; and, because of the geographic isolation of their country, they actually had been less exposed to the ferment of democratic ideologies than even the great masses of China and

India. Regimentation under the dictatorship of the Communist Party undoubtedly was a more beneficent regimentation in many ways than they had ever known before; so it was not hard for fanatical Marxian zealots to turn them against democracy, depicting it, as the Bolshevik leaders always did, as the most dangerous of all enemies of the earthly paradise that communism was soon to produce.

But the outcome at the end of World War II was very different from that which followed World War I. In the first world conflict the democracies let Russian autocracy shift for itself; they gave it very little help, and in some degree actually contributed to the weaknesses which caused its defeat and downfall. In the second world war, however, the democracies, and especially the United States, gave Russian autocracy unlimited help, really providing the means which enabled the dictatorship to double-rivet its power, hold the country together until military victory was achieved, and then project Russia into the post-war scene as the military and political colossus of the Eastern Hemisphere. Thus with their own hands the democracies preserved the régime and the state which are leading the anti-democratic crusade throughout the world today. Whether it was necessary to do this in order to defeat the Axis powers, historians will long debate. It was done, and being done, it divided the world more sharply than ever before into two irreconcilable camps of political belief—irreconcilable because of the conviction on each side that the other is a deadly menace. To the communist régime of Russia and its puppets throughout the world, democracy is a deadly menace because of its freedom. Democratic socialism is just as dangerous, from their point of view, as democratic capitalism. Political freedom is the chief bugaboo, not capitalism; for political freedom guarantees opportunity for the opposition to the Bolshevik brand of proletarianism to agitate, organize, undermine, and overthrow the communist system. Because of the danger of counter-revolution, the Kremlin does not tolerate freedom at home; because of the supposed danger of bourgeois-incited war, it fears freedom abroad. To the democratic peoples, Russian authoritarianism is a deadly menace because of its obvious determination to crush and exterminate political freedom wherever it can. Its communism would not excite so much apprehension if it were not accompanied by the

fierce determination to extinguish the freedom of mankind to choose between communism and any other economic order.

So the issue narrowed down to the question of whether free, democratic political society could meet the challenge of communist authoritarianism on even or better than even terms. Democracy had shown itself not to be too feeble to win two world wars; when close comparisons were made there was ample evidence that the political, economic, and military mistakes of the democracies in the two world wars were more than matched by those of the authoritarian states. Democracy had also shown itself to be no less capable of coping with the problems of peace. It was apparent to anyone who looked at the facts with an open mind that the democracies had displayed no less ability than the autocracies to manage the critical economic readjustments necessitated by the great depression of the 1930's, and, moreover, that the democracies had come through with less disruption of the normal courses of life and less impairment of individual worth and integrity. Yet there were those who doubted—even in the democratic countries there were many who doubted that the democracies would be able to win the final struggle against absolutism. A critical re-examination of democratic theory had long been needed, and the crises through which democratic government had to pass in the twentieth century quickly brought this about. Arguments fully in step with modern social conditions and conversant with the latest trends in science and philosophy were evolved on both sides of the question. There were also a large number of neutral thinkers who strove for an objective revaluation of the whole theory of democracy in the light of present-day realities.

II

Democracy has been under discussion since the earliest beginnings of political thought. The Greeks explored the subject quite critically and bequeathed to subsequent ages a body of theory and judgment that has never grown old. But Greek political thinkers were not equipped to say the final word on democracy or any other system of government. Admirably scientific as were, for example, the spirit and method of Aristotle, there was much that lay beyond the range of his knowledge and technique. Aristotle's conclusions on democracy rested on no better scientific foundation than his

conclusions on medicine. Amazingly penetrating though they were, considering the limitations under which he worked, they were not and could not be definitive and irrefutable.

From the time of Aristotle down to the seventeenth century the approach on all subjects of political speculation was primarily dogmatic. Controversialists, with rare exceptions, stood pat on the doctrines of the ancients or argued from abstract assumptions of little or no scientific validity. The seventeenth and eighteenth centuries were distinguished by the attempts of many political thinkers to employ scientific methodology in the field of political inquiry, and by the dispassionate and unprejudiced endeavors of a few such as Spinoza, Hume, and Montesquieu to follow wherever science might lead. On the whole, however, it was the traditionalist or the romanticist who captured the public fancy and gained the great following. Science really did not come of age until the nineteenth century, and not until then do we find much endeavor to weigh democracy in the scales of objective social law. But the nineteenth century was unable to complete that task and the twentieth has not yet done so. A good beginning has been made, but nothing more.

The standard arguments against democracy, as indicated by the concurrence of opinion throughout the centuries, are: (1) that democratic government is prone to indecision, feebleness, instability, and stupidity because of the volatility, irrationality, and ineptitude of the masses; (2) that democratic society exalts mediocrity and inferiority, the masses being resentful of persons above their level of intelligence and ability and preferring leaders of their own kind; (3) that democracy easily falls prey to demagogism, bossism, and vicious pressure politics, the shortsightedness and narrow selfishness of the people themselves being the cause of these things; (4) that majority rule tends always to become majority tyranny, since the intolerance and bigotry of the multitude can be subject to no effective restraint; and (5) that democratic government cannot be carried on without political parties, and that this invariably results in government by an invisible oligarchy.

Though reiterated over and over again, these postulates were not even respectably empirical; they were sheer guesses. Not only was there no genuinely scientific proof of their truth or falsity; there was no impartial opinion that was widely accepted. In the

twentieth century for the first time were they largely exposed to the microscopic eye of science. Many new tools and techniques for the examination of political phenomena were available to twentieth-century political scientists. Biology, psychology, paleontology, anthropology, ethnology, and various corollary disciplines had at last produced data of sufficient scope and validity to be useful in political inquiry. Serious political thinkers clearly recognized the importance of utilizing as far as possible the findings of every branch of scientific inquiry that might have a bearing on social life. Not always, however, did they equally recognize the many possibilities of error from too confident reliance upon the work of these exceedingly helpful sister sciences. Valuable aids though they were, they were not yet exact sciences and some of them were scarcely out of their swaddling clothes.

Political thought in turning to science as a guide was not, therefore, achieving certainty, but only better bases for speculation; was not gaining proof positive, but only proof suggestive or indicative of general tendencies, principles, or laws. This, unfortunately, was not always clear to political theorists themselves. There were political theorists who, from incautious enthusiasm or lack of full understanding, were inclined to receive the pronouncements of science as absolutely oracular. There were others who erred on the side of caution and failed to grasp the significance of the newer developments in science. And there were some who went the whole distance with the irrationalists and decried the belief that political problems could be solved by the methods of science. Nor was political theory benefited by the well-meant labors of certain biologists, psychologists, and other researchers in non-political fields who, without adequate familiarity with political phenomena, sometimes undertook to declare the political meaning of findings made in their own special fields.

All of the foregoing defects appear in the twentieth-century symposium on democracy, but it has been immensely worth while none the less. Many of the errors have tended in the long run to cancel one another; the gaps in the argumentation have shown the need and the places for additional research; and the misinterpretations have evoked counter-interpretations which have highlighted the unrealized complexity of social problems. We have not yet achieved a conclusively scientific elucidation of

democracy; perhaps we never shall. Nevertheless we have learned much that was not known before, or was but dimly known; and we have made substantial progress towards an intelligent understanding both of the possibilities and limitations of democratic government.

III

Some of the recent theories regarding democracy have ended in despair. Of these, none has presented a gloomier prospect for popular government, for the whole human race in fact, than the sad forebodings of the distinguished American historian, Henry Adams. Although of a family that had played a conspicuous part in the formation and development of American political institutions, Adams was deeply troubled by what seemed to him the failures of democratic government. There must, he thought, be more potent "lines of force" operating in the world than the mere purpose and will of man. Going to science for the answer to his question, Adams thought the teachings of science justified the deduction that there are two great principles which control and shape human destiny. He termed them the law of degradation and the rule of phase.¹

The law of degradation Adams derived from Kelvin's second law of thermodynamics, which postulates an ever-declining solar system. Expended energy, according to that hypothetical law of pre-atomic physics, can never be fully restored. Hence the conclusion that the physical universe is destined gradually to run down and end in nothingness. The same law, said Adams, must apply to man. Human activity and human thought he considered nothing more than forms of energy and human society nothing but a special manifestation of energy. It followed, therefore, that human kind, along with the physical universe, was doomed to progressive degradation.

The rule of phase was a corollary of the law of degradation. In such a world as ours, Adams declared, there could be no such thing as fixity. Equilibrium was a mere appearance, a temporary phase like everything else. In the long view equilibrium was essentially instable and destined to change. Phase, as Adams defined it, had

¹ Cf. Henry Adams, *A Letter to American Teachers of History* (1910); *The Education of Henry Adams: An Autobiography* (1918); *The Degradation of Democratic Dogma* (1919).

nothing in common with evolution. It did not signify directional change or adaptation, but a flux forever subject to the law of degradation. From phase to phase humanity was irrevocably bound to proceed downward to the inevitable end of all things.

Adams thought of democracy as a phase, obedient to the inexorable law of degradation. It was a mistake, he said, to consider it of higher grade than any other form of government; it was not the culmination of any sort of upward development. It was merely a form of government reflecting the average of human nature, which was low and bound to become ever lower. It was to be expected that every democratic government would display its greatest vigor and efficiency in its early years. But as time went on, the law of degradation would effect a progressive decline until at last the democratic phase gave way to some other phase.

Obviously this philosophy was no more pessimistic about democracy than any other form of government. It applied to all things human. But Adams was particularly concerned with democracy and enlarged upon the theme of democratic degradation, which caused him to be regarded as primarily anti-democratic. Critics of Adams' philosophy of despair were quick to remark that it was no more damaging to democracy than to other political systems, and they also pointed out numerous fallacies which cast doubt on the validity of his theories however applied. It was shown that he had begged the question by taking for granted as cosmic law a theory of declining energy that science had not definitively proved (in fact, is still being debated); that he had been guilty of special pleading in using science to support his political hypothesis without taking account of contradicting facts and principles which also had scientific foundation; that, though denying the reality of evolution, he had assumed it in order to prove the reality of degradation; that he had overlooked the creative implications of science and had not considered the possibility of cyclical evolution; that he had made use of very questionable analogies between mechanical and social phenomena; and, finally, that even if his law of degradation were true, he had assumed the decline of political society at a much more rapid rate than the dissipation of solar energy would seem to warrant.

Much more challenging to democracy than the morbid doubts of Adams were the inferences drawn from certain of the newer

trends of biological and psychological research. Biologists in the late nineteenth and early twentieth centuries had devoted a great deal of attention to heredity, and had raised questions of serious import to the conventional theories of democracy. Biological studies and experiments pointed very strongly to the conclusion that qualities acquired through education, experience, and social adaptation are not transmissible through the reproductive process. If this were true, how could the general mass of mankind ever be elevated to the intellectual and moral level essential, in a complex and refractory world, to decent self-government? Despite all efforts to the contrary, would not the inferior, the anti-social, and the degenerate continue to breed true to type? And would not their fecundity, for reasons not difficult to understand, be generally greater than that of the superior types? In that case, what of the prospects for democracy? Sooner or later would not the moron population or worse completely inundate the superior human species?

The answer to these somber questions was found in biology itself. Cautious biologists refused to leap to conclusions. They pointed out that biology had not precisely determined how much of human potentiality is congenital and how much is acquired. There was not yet enough evidence to warrant final judgment on that point; the science of genetics was new and had not yet fully charted the laws of heredity, and there was a mounting body of evidence tending to show that atomic radiation could upset the genetic laws that were known. Moreover, it was the opinion of the more conservative biologists that there was still no conclusive proof that the laws of heredity governing the transmission of physical traits applied in like manner and degree to mental and moral qualities. Nor had it been proved beyond doubt that the principles of heredity derived from the study of plants and lower animals were entirely valid in respect to human beings. Among human beings there were many striking instances of genius begetting genius and equally striking instances of its failure to do so. Conversely, there were among human beings many convincing examples of inferiority breeding true to type, but there were also impressive instances of inferiority, or what clearly seemed to be such, producing the most astounding geniuses. Before venturing to broad generalization, said the less hasty biologists, such contradictions must be fully understood.

Biology was not yet able to supply the answer; hence, the biological case against democracy remained unproved.

Psychology as well as biology was pressed into service against democracy. Studies of crowd psychology had shown how the normal patterns of individual behavior are distorted by group impulses and emotions; how with individuals of much more than average mental and moral perceptions, reason is dethroned and blind passion takes control when they are exposed to the emotional stimuli of group or mass psychology. From this it was deduced that though men as individuals may be guided by intelligence, in social relations they will invariably respond to the irrational instincts of the herd. They will be sheep-minded, ape-minded, wolf-minded—will exhibit always in their social reactions the characteristic behavior of gregarious animals; which was interpreted to mean that men in the mass will always be credulous, impulsive, panicky, intolerant, unconscionable, cruel, unjust, stupid, and everything but rational.

Democracy comes off very badly in this analysis of crowd and group psychology. It is true that democratic society affords little room for detached and dispassionate individual judgment—not less room, however, than other political systems, and perhaps a great deal more. Democracy necessarily consists of mass organization, mass movements, and mass determinations. Does it inexorably follow, then, that democratic government must always be a reflex of herd psychology—deceived by demagogues, charmed by slogans and catchwords, inflamed by prejudices, harrowed by fears, and forever impervious to fact and reason? The Fascists, the Nazis, and most of the Bolsheviks, taking their cue from the Social Darwinists, the irrationalists, and the élitists, said that the answer to the question had to be yes. Were they right? Before attempting to answer that question let us pursue the psychological indictment of democracy to the end.

Psychology raised the further question of whether, irrespective of herdmindedness and the like, the intelligence level of the masses is or can ever be high enough for democratic government to operate successfully in the complex modern world. Modern psychologists have devised various techniques for the measurement of intelligence. The widespread use of such tests and measurements began in the early years of the twentieth century. They were de-

signed to ascertain innate intelligence, not acquired intelligence—a very difficult thing to do. The first two or three decades of intelligence testing yielded results highly unflattering to mental ability of the average human being—and also yielded some startling contradictions, for the follow-up showed that low scores in intelligence tests did not invariably preclude later success in activities requiring a high degree of intelligence, or failure on the part of high-scoring persons to achieve such success. Obviously the tests were defective; and of late years psychologists have been giving more attention to the refinement and improvement of intelligence tests than to broad generalizations as to intelligence level of the masses.

Nevertheless the psychological arraignment of democracy is not to be lightly put aside. It assails democracy at a vulnerable point. Group psychology is an integral part of the democratic process, and the rationality of group behavior is easy to question. But psychology is still far from discovering all there is to know about group processes. It has not by any means irrefutably established the point that group psychology necessarily means bad government; nor has it proved that public opinion, the political fulcrum of group psychology, is less likely to be rational and wise than a monarch, dictator, or élite group. Opponents of democracy claim those things to be true, and sometimes assert that psychology has demonstrated that they are; but scientific proof that would be accepted by the great majority of psychologists throughout the world is never put forward to sustain them. Furthermore, psychology has not demonstrated, by any objective proof, that it is impossible through better forms and techniques of democratic government, better education of the masses, and better leadership to implement group psychology so that it will serve human needs as well under democratic government as under any other political system. Group psychology is not confined to democratic society alone; it is just as potent in authoritarian societies. Does psychology prove that group reactions are more rational and more prone to good under despotic or oligarchic régimes than under democratic? The question answers itself. Psychology proves no such thing; as yet it cannot even pretend to prove that point one way or the other; it does not begin to have enough data for such a task.

As to the results of intelligence testing, the science of psychology does not claim that its findings are infallible or that they are

politically conclusive for or against democracy. As indicated above, intelligence testing is still far from an exact science. The kind of intelligence that it now is able to measure with reasonable accuracy is not strictly political intelligence. It is a fact of common observation among students of politics that some persons with high intelligence quotients on the standard psychological ratings seem to have very little political intelligence. This does not mean that the standard ratings are erroneous, but simply that they do not measure all kinds of intelligence. It is coming to be increasingly apparent that the mental faculties of human beings are not all of one kind and cannot be fully measured by a single test of any sort. The mental faculties of chief importance in democratic citizenship have not been made the subject of a specially designed testing program, and therefore it cannot be said that there is any body of knowledge showing whether the average person has the innate intelligence requisite for democratic citizenship. As a matter of fact, it cannot be determined at the present time just how much power of logical thought is indispensable for intelligent citizenship. Psychology and political science have not yet joined hands on that problem.

Ethnology, which is the study of race characteristics and differences, has been the source of some of the most vehement arguments against democracy. Nearly all of the more doctrinaire racists of the twentieth century have been anti-democratic, and have drawn heavily from ethnology to support their contentions. They have maintained that political ability is as much a racial quality as the color of the skin, the formation of the eye or nose, the shape of the head, or any other physical mark of racial difference. All races, according to this dogma, have their points of superiority and inferiority; but only a few, composing a small minority of the world's population, have the special endowments needed for self-government. It is argued therefore that it is sheer nonsense to try to propagate democracy among the many peoples who have no capacity for it. Moreover, it is alleged that democratic society fosters the dilution of the superior races by the inferior, and consequently should not be tolerated in a state striving for the best government.

These doctrines would be more impressive if ethnology were a more exact and fully developed science. As yet, however, the unknown so far exceeds the known in the field of ethnological inquiry

that conscientious ethnologists recognize that there is still ground for wide difference of opinion even on the physical criteria of racial differentiation. As to the more elusive qualities entering into political aptitudes and abilities, ethnology is not equipped to speak with any pretense of authority. It can theorize and no more. There is no credible scientific proof that the white races are innately superior in political genius or any other mental quality to the black, brown, or yellow races. Nor is there any positive proof that they are not. There is plenty of opinion both ways, but no absolute knowledge. Neither is there any objective proof that any particular branch or sub-group of the major races is or is not specially endowed for self-government. Some peoples have had more success with democratic government than others, but the evidence now at hand does not conclusively show whether the difference has resulted from innate factors or factors acquired through social experience. It does happen to be a fact, however, that the peoples who have been most successful with democratic government have not been racially "pure." The Americans, the British, the French, the Swiss are not of one race but many. Does this prove that racial mixture is better for democracy than racial purity? Ethnology does not know; political science does not know. Nobody knows.

Some, though not all, of the élitists have opposed democracy on the ground that what is called democracy is never such in fact, but merely a social myth. Regardless of the democratic form of a political system, according to such theorists as Pareto and Michels, the real determinations of the state are never shaped by the free will of the people. The people may go through the motions of deciding things, but in the last analysis the alternatives between which they choose and the actual fulfillment of the choices made, are determined by a relatively small number of persons who initiate, organize, manipulate, and manage the sub-surface processes of government. Forms of government are mere phantoms; actual democracy is an impossibility.

By the same kind of analysis it can be shown that non-democratic forms of government are also phantoms. No monarchy, no dictatorship, no aristocracy is ever actually what it seems to be. There are sub-surface processes in all systems of government. Hitler did not rule Germany alone by any means, nor Mussolini Italy. There was a governing class on which they were dependent, just as there

is a governing class in Russia (the Communist Party) on which Lenin was dependent and on which Stalin later became equally dependent. It does not argue against democracy as compared with other systems to say that it is no less illusory than they. To constitute an argument against democracy it would be necessary to show that the illusions of democracy are more incompatible with good government than those of any other system. That has not been done.

IV

Twentieth-century champions of democracy were not content merely to refute the arguments of the anti-democratic theorists. They also endeavored to make an affirmative case for democracy. In so doing they discarded most of the old-time paraphernalia of democratic theory. For the many sophistries which have sprung from such abstract doctrines as natural rights, the equality of man, and the general will, they did not even bother to apologize. Their position was that the sole measure of truth for any political doctrine or any political system is conformity with objectively established facts. They did not deny that many experiments with democratic government have failed; but they insisted that candor should force the opponents of democracy to admit the countervailing fact that just as many experiments with non-democratic forms of government have also failed. In the box score of success and failure, they maintain that history gives democracy just as good a record (they think a better one) as any other form of government.

For the sake of argument, they say, let it be granted that the élitists are right; that in a democracy, as in all other systems of government, the reins of authority are inevitably gathered into the hands of the few. Just what does this prove? Does it prove that the many are nothing but mechanical puppets of the few? May it not also prove, just as logically, that the few are the servants of the many? If facts have any place in logic, say the modern democratic theorists, there are oceans of facts tending to indicate that democratic rulers cannot govern without the acquiescence of the many, and, furthermore, that they actively consult the interests and preferences of the many. Some democratic rulers achieve and hold power by demagogic methods, and so do some dictators—in fact, practically all dictators. Is democratic demagoguery worse than auto-

cratic demagogy? Precisely how and why? Democratic theorists assert that democratic demagogy is infinitely preferable to the autocratic kind, because it does not destroy the freedom of the many to repudiate and cast off demagogues in whom they have lost confidence.

Grant also, if you wish, that democracy is merely a myth. Even so, the democratic theorists contend that the democratic myth is better than any other—more likely to foster the psychological and legal checks necessary to restrain the abusive tendencies of concentrated authority; more likely to engender consistent attention to the general welfare; more likely to afford every individual a fair chance to realize his full potentialities. In the history of democratic countries, they say, there is nothing to justify the conclusion that democracy should be abandoned simply because it is a myth. If we must live by myths, why not a myth of democracy? In what respects is a democratic myth less worthy and less conducive to public good than the myths of monarchy, aristocracy, proletarianism, or totalitarianism?

Aware of the mistakes of incautious generalization, the new democratic theorists avoid the mistake of claiming too much, which had been one of the great faults of democratic theorists of preceding centuries. They refused to take the position that democracy is the ideal form of government for all peoples under all circumstances. Democracy, they said, is a possible and preferable form of government for peoples properly prepared for it by education and experience. In the long run, however, it is so much superior to other forms that the achievement of democracy should be the goal of statesmanship in every country and preparation for democracy a fundamental policy in every state. "The modern long-time trend," wrote Charles E. Merriam in 1939, "is in the direction of democracy."¹ The reasons for this trend, said Merriam, are capable of proof. It can be proved, he declared, that non-democratic society does not insure the rule of the best, the most competent, the most conscientious, because in the long run non-democratic society is dominated by status rather than ability; whereas in democratic society the influence of status is kept at the minimum. It can also be proved, he continued, that government by consent even with electoral processes at their worst is superior to government by force,

¹ C. E. Merriam, *The New Democracy and the New Despotism* (New York, 1939), p. 252.

which is the only alternative. Consent makes possible wiser public decisions, broader and sounder planning, and better public administration. It is likewise possible to prove, according to Merriam, that democracy in the long run makes for greater social justice, because it inevitably tends to distribute the gains of community life more widely among the masses than any other system. Peaceful and constructive social change can be shown to be more readily attainable in a democracy, said Merriam, because of the greater confidence of the masses in the integrity and responsiveness of their government.

John Dewey, the leading American exponent of pragmatism, was convinced that democracy possesses virtues not to be had under any other system. The very fact that men are by nature unequal in physical and mental endowments is one reason, he said, why democracy is so necessary; without equality of treatment under law and its administration, only the favored few could have a fair opportunity to develop their talents and abilities. Society can never reach its full possibilities unless every man has the same chance as every other man to develop his potentialities, Dewey said; for society needs the best it can get from all men. "The foundation of democracy," in the words of Dewey, "is faith in the capacities of human nature; faith in human intelligence and in the power of pooled and cooperative experience."² He did not contend that these forces had been perfectly implemented in any existing democracy, or in any that ever had existed, but he did maintain that any democracy at all would give them a better chance to function and to grow than any authoritarian system. The supreme merit of democracy, in Dewey's opinion, is that it frees the human mind, thus fostering the experimentalism without which men cannot successfully adapt themselves to a changing world.

Democracy as reinterpreted in the twentieth century is thus seen to be more than a political formula, more than a system of government, more than a social order. It is a search for a way of life in which the voluntary free intelligence and activity of men can be harmonized and coördinated with the least possible coercion, and it is the belief that such a way of life is the best way for all mankind, the way most in keeping with the nature of man and the nature of the universe.

² *Intelligence in the Modern World: John Dewey's Philosophy*, ed. by J. Ratner (New York, 1939), p. 402.

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CHAPTER XXXV
THE WORLD ORDER

I

THE twentieth was not the first century in which thought was given to a world order, but it was the first in which that question had to be faced as an immediate and imperative problem. It was, therefore, the first in which there was a large amount of systematic thinking and writing about nationalism, internationalism, world politics, and related subjects. It was not merely that the attention of the twentieth century was focused on these matters by two terrible world wars; the twentieth was the first century in which there was a sufficient amount of quick and close intercommunication between all portions of the world to provide the necessary foundations for a universal social order.

The world has known many civilizations, but there have been only a few great areas of civilization. Until the twentieth century there was nothing that could be truly called a world civilization. One group of civilizations sprang up in the region of the Mediterranean Sea, then spread to northern and western Europe and finally to the Americas; another group originated in China and spread throughout central and northwestern Asia; a third group developed in India and the island regions of southwest Asia. Great political societies arose in all of these areas of civilization, and there were periods in the history of each when virtually the whole area was dominated by a single empire. But no empire of world scope ever took form, nor any world-wide league or federation of peoples. Prior to the eighteenth century there were very few contacts between the peoples of the different civilization areas, and not until the nineteenth century was well toward its meridian were the contacts sufficiently continuous and important to result in genuine world problems. The nineteenth century evaded or postponed these problems, but the twentieth century could not.

The industrial revolution which transformed the world from a disconnected plurality of states, peoples, and cultures into a closely interconnected totality was the work of western civilization. Western peoples developed the sciences, the technologies, the eco-

conomic systems, and the political structures which overwhelmed the rest of mankind and progressively unified the material processes of life. Western peoples created most of the world problems, and, as would be expected, most of the thought dealing with world problems has been western thought. Of course western peoples looked at world problems from the standpoint of western peoples, thought about them in terms of their own civilization and social experience, and propounded solutions agreeable with western concepts. On the political side, western civilization had had its periods of tribalism, of cosmopolitanism and universalism, of feudalism, and finally of virulent and aggressive nationalism. Concepts drawn from all of these phases of western political evolution were conspicuous ingredients of western thought about world problems and the world order of the future.

II

All thinking on world affairs has to reckon not only with the doctrine but with the stubborn fact of nationalism. Nineteenth-century political thought in Europe and the Americas was fervidly and uncritically nationalistic. Twentieth-century thought became highly critical of nationalism, but did not succeed in breaking its spell. Nineteenth-century thinkers had been chiefly concerned with the nation-state's right to *be*. Opposition to nationalism in the eighteenth and nineteenth centuries came chiefly from the feudal, dynastic, and ecclesiastical adherents of the social order which had prevailed in Europe for nearly a thousand years. The feudal nobility enjoyed a status everywhere in Europe that was more dear to them than nationhood, and so did the dynastic rulers who were the capstone of the feudal edifice. Nobility and royalty, on account of their status, were privileged persons in all countries and had a common interest that was more European than national. The same was true of the clergy of the Roman Catholic Church. Nationalism had to combat those forces, and for that reason the earlier philosophies of nationalism dwelt upon the idealistic and spiritual aspects of the nation-state. The French philosopher Renan spoke for all nineteenth-century apostles of nationalism when he said that what makes a nation is not race, religion, a common language, or even a common territory, but "a soul, a spiritual principle." As a result, said Renan, of "the intricate workings of history," a certain

people come to have a spiritual affinity which sets them apart from all other peoples. When this spiritual fusion occurs, the people thus constituting a distinct nation not only have the right to be free and determine their own destiny, but it is for the best interests of all mankind that they should. Each nation, he said, has something unique to contribute, some special way of serving "the common task of humanity" that it can best execute as a separate instrument in "that grand orchestral concert of mankind, which is, after all, the highest ideal reality that we attain."

The twentieth century did not care for this sort of talk. Nationalism was now an accomplished fact. The world was full of nation-states—so full that the alignment now was nation *versus* nation rather than nation *versus* the old régime. The great political struggles of the twentieth century were destined to arise between rival nations and groups of nations. The right of national self-determination was still at issue, but the setting was different. The world was full of nation-states, some of which were great powers and others small powers. The right of self-determination could not mean the same for all. A big and powerful state, if unrestrained, could easily "self-determine" a small one out of existence. Did the right of self-determination mean that a state had the right to self-determine not only its own independent existence but also its own growth and expansion? There were forthright imperialists (always they were citizens of the great powers) who answered that it did mean precisely that. A nation's right to *become*, they persisted, was just as vital as its right to *be*. Independence, without security and self-sufficiency, was a mockery. Did not the Darwinian formula show that life is basically a struggle for existence and survival? Was not international conflict merely the top dimension of that struggle? Why, then, should it be wrong for a state to do what it must do in order to survive? The fact that some states never can meet nature's requirements for survival should not diminish the right of those who can. Most imperialistic writers did not couch their rationalizations in quite such brutal terms. Without a generous sugarcoating of "manifest destiny," "bearing the white man's burden," "*mission civilisatrice*," "spreading enlightenment and *Kultur*," and similar altruistic catchphrases, imperialism could not have been made palatable to the peoples of the great powers themselves.

But the policies of the great powers veered constantly in the direction of imperialism, however much they beat their breasts and told the world they had a higher and nobler goal. And it quickly became apparent that there was not room enough in the world for all states, not even for all great powers, to carry out their great spiritual missions, realize their desired material goals, or do whatever else their particular brand of imperialism called for. There simply were not enough continents, enough resources, enough backward peoples to be rescued from ignorance and sin, or enough of anything else for every state to have complete freedom of self-determination. Uncurbed national imperialism obviously meant world anarchy, and the rule among nations would be hog-eat-hog. Even the rankest imperialists could see that. The only alternative was some sort of world order. But what kind of world order? The more extreme nationalists would accept nothing that would compromise the sovereignty of the nation-state, nothing that would not justify a state's ultimate right to choose its own way of pursuing its ends. The world order as conceived by them should be a structure built by voluntary agreements imposing no collective obligation that could not be escaped by unilateral determination. Regional understandings, balance-of-power alignments, treaties of alliance, bilateral arbitration agreements, reciprocal tariff and trade agreements, and non-aggression pacts are characteristic of this concept of the world order.

The nationalistic view of the world order resulted in diverse principles of national policy. As characteristically nationalistic as any of these principles was isolationism. This was not solely an American policy; nor was it, in the United States or elsewhere, a policy of withdrawal from participation in world affairs. It was primarily a policy of national detachment and freedom of action. American isolationism, as first outlined by President Washington and as continuously reinterpreted in subsequent decades, was pointed primarily against "entangling alliances." Washington's Farewell Address warned his countrymen against "permanent alliances with any portion of the foreign world," but expressly approved "temporary alliances for extraordinary emergencies." Washington's idea was that in all circumstances the United States should play its own cards as far as possible. This became the historic foreign policy of the United States, but it did not lead to

uniform relations with all nations in all parts of the world. Playing her own cards meant one thing for the United States in relations with European powers, another thing in relations with Latin American states, still another thing in relations with the countries of the Far East, and so on. Hence the United States was often accused of having no consistent foreign policy. In one sense she did not, and neither did any other country following the principle of isolationism. Exactly the same thing was true of Great Britain's balance of power policy, which was just as truly isolationist in principle as the American policy of no entangling alliances. The objective of the British policy was the highest attainable freedom of action for Britain, by keeping herself in the makeweight position in the ever-shifting alignment of great powers in Europe and Asia. All great powers throughout the nineteenth and twentieth centuries made and remade ententes, pacts, and alliances so freely and frequently that historians were hard put to keep the record up to date, let alone keep it straight; and the motivation in every instance was basically isolationist—to gain a better position to play the cards their own way. It was definitely not their purpose to sacrifice national sovereignty or subordinate national interest to collective ends.

Isolationist thought did not envision a unified world order, but it would not be truthful to say that it envisioned no world order at all. Although the quest of every state was the utmost security and independence, there were many reputable thinkers and statesmen who sincerely believed that the ultimate outcome would be a stabilized world society. The stabilization would come, it was believed, when the whole world was embraced in a webwork of alliances in which the counterpoised forces would be so equal that prolonged equilibrium would necessarily follow. The fundamental fallacy of this belief was convincingly demonstrated by the sudden collapse of the isolationist house of cards in the frantic fortnight preceding the outbreak of World War I. The old isolationism never recovered from the loss of prestige suffered at that time. However, in the interlude between the two world wars new creeds of isolationism were destined to arise. The most prominent of these were geopolitics and Bolshevism.

Geopolitics is sometimes said to be a system of global thinking regarding the geographic factors in politics, but the practical

applications of geopolitics have been far more national than global. Geopolitics is not to be confused with political geography, which is an objective science. Geopolitics is not objective; it is a body of doctrine which postulates that geographic factors more than any others determine the destiny of nations and from that premise formulates concepts to correlate with national policies. Modern geopolitical doctrines stem largely from the writings of Ratzel and Haushofer in Germany, Kjellen in Sweden, Mackinder in Great Britain, and Spykman in the United States. Ratzel's epoch-making treatise on political geography appeared just at the close of the nineteenth century. It was not a geopolitical treatise in the present-day sense, but it was predicated on the principle of geographic determinism. Ratzel's view was that the evolution of human society is largely conditioned by geographic factors, the struggle for existence being mainly a struggle for space, and that organized societies must plan their courses of expansion according to the limits that nature has set.

Kjellen was a twentieth-century disciple of Ratzel. He amplified the general theories of Ratzel and modified them in certain particulars. He agreed that the struggle for existence, especially on the political level, is a struggle for space; but added that although space is limited by nature, the abilities of particular peoples to gain and utilize space vary greatly. Kjellen set forth certain concepts about the utilization of space in Europe which made him very popular in Germany, because they seemed to prove that the German people were destined to dominate Europe from the Scandinavian peninsula through the Balkans and then reach over into the Middle East. Mackinder, as would be natural for a Briton, looked upon the international scene as a struggle between sea power and land power. In order to survive, according to his theory, the maritime powers must prevent the domination of the great land mass of Europe and Asia by a single power or combination of powers. Mackinder said that the key to the situation lay in the control of an area comprising eastern Europe and western Asia. This he called the "heartland." In terms of practical realities, Mackinder's doctrine meant that the maritime powers should drive a permanent wedge, both political and military, between Germany and Russia. Haushofer made large use of the work of Ratzel, Kjellen and Mackinder. His doctrines gained

special eminence because of his close association with the Nazi régime in Germany. Haushofer accepted and turned to Germany's advantage the geopolitical ideas of Mackinder. He agreed to the sea-power *versus* land-power theory and also the "heartland" theory, but maintained that the trend is in favor of land power provided the continental peoples make proper use of the space available to them. This could not be done if Europe remained divided into a number of small countries none of which could be self-sufficient. Haushofer then argued that the "heartland" should be united, preferably by a coalition of Germany and Russia, and all of Eurasia brought under the dominion of the great land-mass states. Spykman took the view that the international struggle is primarily a contest between the peoples of the "rimlands" of the great continents and those of the "heartlands." The policy of a state was necessarily conditioned, therefore, by its situation relative to "rimland" or "heartland."

One thing the foregoing and all other geopoliticians agreed upon, namely, that every state, if it wishes to pursue an intelligent foreign policy, should play its game according to the fall of the cards geographically speaking, and should never sacrifice a geographic advantage or miss a geographic opportunity. That is why we must classify geopolitics as isolationist. Mackinder counseled Britons, Haushofer Germans, and Spykman Americans how to shape their foreign policy so as to utilize to the utmost the geographic factors favorable to national independence and self-determination. All geopoliticians accepted and emphasized the space-struggle theory, and felt that the primary consideration for every state involved was to take care of itself and its own interests.

Of Bolshevism little need be added to what has been said in previous chapters. Communism was conceived by Marx and Engels as a program for the world, and they formed the first International Workingmen's Association as an instrument of international coöperation and collaboration for the proletarians of all countries. When the Bolshevik Party gained power in Russia it was not only world-minded in the propagation of communism but was favorably disposed to other forms of internationalism. It was the teaching of Marx, however, that communism and capitalism were utterly irreconcilable, and that there must be no compromise. Consequently, when the expected world revolution did not come

off and the Bolsheviks found themselves increasingly isolated in a non-communist or strongly anti-communist world, their faith in the wisdom of Marx was strengthened. A communist state, they concluded, must never get itself so entangled with capitalist states that it would no longer be free to pursue its own goals or be a willing party to international arrangements which might solidify the capitalist world against communism. The only kind of internationalism in which communist Russia could unreservedly share was communist internationalism. Thus Bolshevism turned to isolationism as the only safe policy for communism.

III

The dream of a warless world has been common to all civilizations and has been accompanied in all by numberless plans to realize it by reconstituting the social order. One of the earliest ideas of this character to appear in western civilization was that of internationalism. Although the concept of voluntary international coöperation and organization dates back as far as the ancient Greeks, it did not reach its full stature until the twentieth century. Throughout the Roman era and the subsequent mediæval period it was overshadowed by the cosmopolitan idea of imperial unity. It took a long time for European thinkers to realize that the complex forces of political evolution were inexorably taking their continent to just the opposite destination. Occasional theorists caught a sufficient glimpse of the future to perceive that universal empires, universal churches, and universal cultures were on the way out. Universal authority of all sorts was breaking down, and numerous independent states were being formed. From the fourteenth century onward, therefore, discussions of the problem of international relations came to occupy an ever-growing prominence in political thought. The terms of these discussions were definitely *international*, not *supernational*. They dealt with such matters as international coöperation, international organization, and international law. A great many theoretical plans were produced—plans for international arbitration, international union or federation, international parliaments, international courts, and even international armies. Nothing practical came of these proposals until the nineteenth century. The day of full-fledged internationalism could not come until the world was thoroughly nationalized, and

social and economic developments had made international relations a matter of continuous importance in the lives of all men.

The first genuinely international organization of the nineteenth century grew out of the peace settlements following the final overthrow of Napoleon in 1815. The victorious allies banded themselves together in an alliance to keep the peace and maintain the *status quo* in Europe. It was provided that general congresses of the participating powers should be held at periodic intervals or as need arose to deal with problems common to all and to provide methods by which they could coöperate in the prevention of war and disturbances likely to lead to war. This organization actually functioned (some thought for good, others for bad) for several years. But the spirit of rivalry among its own members was stronger than the spirit of coöperation, and so it gradually fell apart. However, the habit of international conference and consultation survived, and the second half of the nineteenth century saw a large number of general international conferences to deal with matters of common concern. These were climaxed by the great Hague Conference of 1899 which undertook to formulate codes of international law on several subjects and to set up machinery to facilitate the settlement of international disputes. At the instance of this conference, a second Hague Conference was held in 1907 which greatly amplified, if it did not perfect, the work of its predecessor.

The most fruitful progress in international organization in the nineteenth century was the formation, through special international conferences, of a large number of permanent international unions to administer agreements regarding the management of common affairs of a technical nature. Such organizations as the International Postal Union, the International Metric Union, the Universal Telegraphic Union, the International Office of Public Health, the International Maritime Conference, the International Institute of Agriculture, and the Union of Railway Freight Transportation in Europe not only succeeded; they became indispensable. They provided services which were of vital importance throughout the world, but had little or nothing to do with political matters. They made it apparent, however, that at least in technical matters voluntary international organization could succeed.

It remained for the twentieth century to experience and evaluate the most ambitious attempts at international organization, namely

the League of Nations established by the Paris Peace Conference of 1919 and the United Nations set up by the San Francisco Conference of 1945. These were attempts at world-wide international organization on a voluntary basis. Both were based on elaborate and carefully drawn instruments which provided for permanent organs of procedure and operation comparable with the legislative, executive, and judicial institutions of a national state. Both were given wide jurisdiction over both political and technical matters. Both were provided with operating funds which could be administered independently. Although the League of Nations failed to prevent World War II, its whole career could not be branded a failure. The peoples of the world were not convinced that internationalism was an unrealizable goal. On the contrary, they were so hopeful of ultimate success that the United Nations, which was originally an alliance against Germany, Italy, and Japan, was converted into a permanent international organization designed eventually to include all nations in its membership. The fate of internationalism as a principle is therefore entirely bound up with the fate of the United Nations, and the future of the United Nations is not clearly predictable.

The literature produced by these two attempts to establish a systematic world order based on the principle of internationalism was enormous. It came from almost every people on earth and was written in virtually every language. Naturally, therefore, variety was one of its outstanding characteristics. But there was agreement on the fundamentals which differentiated internationalism from other species of doctrine about the world order. All internationalists believed that the nation-state was a political entity of such importance that its independence and sovereignty should be maintained. For that reason, all internationalist concepts of a better world order rested on the voluntary consent of nations. This put the internationalist position squarely on a footing of rationalism. If international organization, law, justice, order, and peace were to come through the voluntary consent of nations, it had to be assumed that nations not only are rational but can be induced by appeals to reason to surrender enough of their sovereignty to make internationalism work successfully. Scores of internationalist writers dwelt on the theme that war is a form of collective insanity; that victory in war is a great illusion; that the winner never really wins

and that humanity and civilization always lose. Once this fact was fully and clearly brought home to the peoples of the world, the internationalists had no doubt that reason would assert itself; the nations of the world would agree upon some sort of coöperative plan by which their differences could be adjusted without recourse to war.

Education, law, and organization were the means by which the internationalists expected to be able to bring the world to its senses. Educational work to that end was carried on by scores of peace societies and similar organizations in all countries. Great sums of money were poured into these enterprises; tons of peace literature were disseminated in every language; exchange professorships, scholarships for foreign students, tours of good will, international assemblages and conferences of workers for peace, and numerous other devices to promote international understanding were lavishly financed. Much was done also to encourage the growth of international law. Internationalists were generally agreed that one of the great weaknesses of international society was the lack of an adequate body of law. True, there had been a considerable development, since the sixteenth century, of international law, or something called that; but it was deficient, the internationalists said, in many particulars; it had not kept pace with the needs of the modern world, and there were not appropriate tribunals to administer it. Give the world a truly comprehensive system of international law, soundly based on reason; set up effective international judicial machinery; and nations would no longer have an excuse for war. All disputes could be settled by judicial procedures; and nations would prefer to have them settled in that manner, because the settlement would be quicker, fairer, cheaper, and better for all concerned than war. Great efforts were made and large sums of money expended to encourage the teaching of international law, to promote international meetings of lawmakers and jurists, and to secure the general acceptance of treaties of arbitration. Equally great was the effort to foster the development of both private and public organizations of an international character, the idea being that the experience of working together in any sort of international organization would gradually build up a general confidence among the peoples of the world in such modes of procedure.

It should be clearly understood, however, that the philosophy

behind all of these international measures was not anti-national. The internationalists did not contemplate the abolition of the nation-state; most of them did not even propose to submerge it in an international political structure. In their thinking the nation-state was indispensable. It was a natural social unit, and was better suited than any other to the requirements of modern communal life. No internationalist program proposed to take away from the nation-state any right or power which it did not voluntarily yield. It was not the purpose of internationalism, nor of the League of Nations and the United Nations, the two greatest achievements of internationalism, to superimpose a world order, but rather to build one up through progressively rational, harmonious, and peaceful interstate relations. The League of Nations and its successor, the United Nations, were never viewed as something standing over their members but as something existing among them.

IV

Many who called themselves internationalists were not such in fact. They were opposed to nationalism, and therefore styled themselves internationalists. In reality, however, they were just as much opposed to internationalism as to nationalism. They wanted to see the whole human race brought into a system in which the nation-state, if it survived at all, would be largely deprived of its autonomy. Although they seldom went so far as to advocate a world state with direct jurisdiction over everything everywhere on earth, they invariably demanded a world authority competent to deal directly with individuals rather than with states in matters of world concern. This authority could be developed, most of the universalists thought, by some sort of world federalism. Under a world constitution, they said, there could be a division of power between the central government for world affairs and the regional and local governments for matters of narrower consequence. The central government would derive its powers from the world constitution and not by grant from the member communities. Every human being would be a citizen of the world state, with rights and privileges guaranteed by the world constitution. Through electoral processes the world government would be made responsible to the peoples of the world rather than to the states of the world; through its own administrative and judicial machinery it would exert its

authority directly upon individual human beings all over the world. World law, world justice, world police, and all other requisites for universal government were also contemplated in most of the schemes advanced by advocates of a world state.

Universalism undoubtedly made many converts, but in the sphere of actual affairs it made no headway. Even if there had been a sufficiently large body of world opinion to support practical steps in the direction of world government, it would have been very difficult to find the right steps to take. Assuming, as all universalists did, that the world state would be inaugurated by common consent and not by conquest, the problem was how to transfer real authority and real power from the sixty-odd nation-states to a world state. It could not be accomplished merely by adopting a world constitution, for power does not reside on paper but in human beings aligned for action. Experience with the Covenant of the League of Nations and the Charter of the United Nations made it clear that the crucial alignments from the standpoint of world unity are those of the areas seating the states of greatest military power. What steps could be taken to make sure that those crucial power alignments would operate differently within the framework of a world state than they have within the structure of international organizations like the League and the United Nations?

The most effective step, according to universalist theory, would be that of placing the world state in direct authority over every person on earth in matters of world import, regardless of his affiliations with lesser political units. The example of the central government of the United States was frequently cited as proof that this would be possible. It is true that the national government of the United States has both constitutional authority and real power over every American in federal matters; but it is not true that the states which form the American federal union ever were separate and independent nation-states. The original thirteen approximated that condition for a brief time, and so did Texas; but the other thirty-four were wards of the national government and were definitely attached to it for a considerable period before their admission to the union. Every student of American history knows that the addition of new states to the union was a leading factor in strengthening the central government. Many competent historians believe that the principle of states' rights would have triumphed and that the union would

not have endured very long if its membership had been confined to the original thirteen states. In short, the analogy between the federal system of the United States and that of an imaginary world state, which would have to be formed under very different conditions, is not close enough to warrant the conclusion that the same or similar results would follow. Though it is conceivable that a world state might unite and assimilate America, Britain, Russia, France, etc. much as the United States government has done with New York, Rhode Island, California, Florida, etc., it is equally conceivable that its efforts in that direction might heighten the loyalties of the world's peoples to their nation-states, just as the centralizing activities of the federal government have often excited states' rights sentiment in the United States. And it must not be forgotten that the United States of America is a product, not of universalism or internationalism, but of a very fervid nationalism.

Political universalism of the sort described in the foregoing paragraphs was effectively supplemented in the twentieth century by a strong revival of religious universalism and humanitarianism. Although there was no great amalgamation of religions, there was a decided movement on the part of all faiths and sects to reach a common ground of principle on the question of the individual conscience *versus* the state. That there is a higher law for the conscience of man than the sheer mandate of political authority was the unanimous opinion of religious thinkers everywhere. The difficulty was not one of theory, but of practice. Who was to say what the higher law was? Who was to decide when it did or did not apply? Who was to safeguard the individual's freedom to follow the higher law? Such matters, some said, were in the province of ecclesiastical authority, and argued that there should be a universal ecclesiastical authority independent of all states, even the world state, which would have indefeasible jurisdiction in matters of conscience. Others felt that questions of conscience were primarily for the individual to settle according to his own lights and his personal communion with the deity. If all men were deeply infused with the *ethos* of religion, no state would ever succeed in commanding anything contrary to the conscience of mankind.

The pacifist humanitarians stood on virtually the same ground as the religious universalists, save that their conception of conscience was not a duty owed to the deity but a duty owed to humanity.

When the state engages in war and other forms of violent coercion, the humanitarian view holds that it violates the most fundamental law of social life, namely, that high and constructive social goals can be reached only by free men voluntarily associated in enterprises in which they truly believe. In the forum of conscience, therefore, no man who has the good of humanity at heart can support the state in war and other measures of violence.

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